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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. COOPER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 14, 2022.

I hereby appoint the Honorable JIM COOPER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 10, 2022, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with time equally allocated between the parties and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

FAREWELL TO CONGRESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. HICE) for 5 minutes.

Mr. HICE of Georgia. Mr. Chairman, it has been an incredible honor to serve the people of the great State of Georgia and the 10th District for the last four terms. This is my last time addressing you as fellow colleagues here from the House floor within these hallowed Halls of Congress.

There is no question the history and the marvel of this place, our Nation's capital, is something that never ceases to amaze me. I cannot express how deeply grateful I am to have had the tremendous privilege to represent the 10th District of Georgia among the ranks of so many incredible men and women before me and to play a small role in shaping our Nation's history.

With God as my guide, I have set out in the last 8 years to not only represent Him well but to represent Georgia's 10th District and our country well.

I would be remiss if I didn't take a moment to extend a heartfelt gratitude to many in my life who are so important and who have made these last 8 years so meaningful; certainly, my wife, Dee Dee.

We all know this is not an easy place for family, and I cannot express to her the deep love and appreciation I have for the incredible support that she has given me. Our two daughters, Anna and Sara, their husbands, and our four grandchildren as well, have stood by me, and us, through all of this so much, and I love and appreciate them more than words can say.

Our staff, both here in D.C., and in Georgia, have been among the best here in Congress. I say a heartfelt thank you for serving our constituents and for fighting our battles here in Washington with such integrity and honor. What a team you have been. You certainly have made me look better than I am, and I am deeply appreciative of that.

My colleagues here on both sides of the aisle, it has been an honor to serve, and I particularly express my gratitude and love for those fellow men and women within the Freedom Caucus whom I have come to love tremendously. It has been such an honor to serve with each of them, as well.

Obviously, without the guidance of God and my faith and those around me, we certainly would not have been able to accomplish many of the things we have been able to do here. But as a pastor prior to coming to Congress, my focus here so much has been on moral matters; things like life, faith, and family, protecting the rights of Americans. Specifically, the right to freely worship without fear of intimidation of harassment has constantly been on the forefront of my life and continues to be. And although I am departing from this current post, I cannot stress enough the importance of those who will be here for the 118th Congress to continue fighting for the repeal of the Johnson amendment.

We all know that the First Amendment is for every American citizen, the right to speak, to uphold those beliefs in the public square. And certainly those beliefs, the epicenter of it, if you will, is certainly in churches and the centerpiece of that is in the pulpits. And our government has no right entering the pulpits of America determining what can and cannot be said. So I urge my colleagues to continue fighting that good battle.

Another piece of legislation that I introduced my very first year here was the sanctity of human life, which sought to declare that the most fundamental right that we have is the right to life. And I have introduced this bill, in fact, every Congress, every session since we have been here, and I look forward to being able to pass that on to those who continue the fight.

While it has been of utmost importance to focus on ending abortion, I also felt it is important to memorialize the 63 million lives that have been lost. That is why I introduced a bill to instruct that the United States flag be flown at half-staff on January 22 of each year in honor of the unborn who have lost their lives.

If we ever forget history, it is bound to repeat itself, and if we, God willing, see the end of abortion, we need to likewise remember those who have given their lives, the innocent, in this struggle, in this battle.

At the heart of it all, it is my prayer that our country will see a spiritual

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

awakening. I am convinced we can't resolve all the problems in this country by passing another piece of legislation or throwing another trillion dollars at a problem. We need the good hands of the Almighty God to guide us through these days, and we need a spiritual awakening. That certainly is my utmost prayer.

Mr. Speaker, I wish each of my colleagues continued success here in Congress and a Merry Christmas to each one.

FAREWELL TO CONGRESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. LAMB) for 5 minutes.

Mr. LAMB. Mr. Speaker, this is my last speech.

The first time that I walked in here, I looked all around the Chamber the way that new Members do, and it really struck me that there are only two paintings in here. They are right behind me now. One is of George Washington and the other is of General Lafayette.

I think what struck me is that neither man ever served in this House, but on that first day, I felt that they were looking right at me and saying, we have a message for you: Don't take this place for granted. Other people had to fight for us to be able to do what we do in here.

On that first day, I had no idea that within less than 3 years, the D.C. police and the Capitol Police would have to fight for us again right here, that hundreds of them would be injured, that some of them would give their lives just so that we can walk back in that night and do our job.

I saw a recent poll that showed that just 21 percent of Americans approve of the job that we do in here; 75 percent of Americans disapprove. And most of us know why that is. We have been in our Congressional districts during a government shutdown and after we fail to pass yet another bill that most Americans support, and also because the bad news about this place travels much farther and much faster than the good news ever does.

But I just keep thinking about how those officers fought for this place. They fought for us. And I think they would do it all over again if you asked them to.

We can take confidence in that fact. We can take confidence in the fact that this institution did its job on January 7, hours after being attacked on January 6. We can take confidence in the fact that since then our fellow Americans have continued to reject so many candidates around the country who are not committed to this democracy.

If I could only make one observation on my way out the door here, is that I think we all have to be confident about this institution and we should be more confident in ourselves.

Our failures are noticed more. We all know that. But our successes are real. And we have to value those successes because they are a credit to people like Capitol Police Officer Brian Sicknick or to Representative John Lewis or to a young Air Force staff sergeant from my district named Dylan Elchin, people who sacrificed and shed blood for this democracy and for what it means.

The things that we have done in here and that you will continue to do next term reflect the greatness of these people. I keep thinking about these brown cardboard boxes of food that the Department of Agriculture put together during the pandemic. They rushed them to food banks, and I loaded a lot of these boxes into people's cars when I was back in my district.

These were honest and good people. In their trunks, these were people that had work boots and tools; they never thought they were going to need something from a food bank. But it was our votes that fed those people and gave them help in their hour of need.

I could go on and on about the things that we have done in this room that are so special. My staff knows I talk endlessly about the fact that our district was home to the first-ever civilian nuclear power plant, and its successor power plant was at risk when we came into office. It is now secure because of the bipartisan infrastructure bill and the Inflation Control Act; thousands and thousands of jobs, clean power that our region needs in investment and science.

I would talk about the teamsters and the miners and how we saved their pension if I had time.

How we rebuilt a bridge in Pittsburgh in less than 1 year because of Federal funds.

How the microchips and hydrogen that we have set aside money for are themselves an expression of so much confidence in our future in this country.

My time is up, so I will just say that I don't want to deny that we have our problems in this country, we definitely do, but I have only been here for 4 years, and it is obvious to me that we have everything we need to be successful. For an Irish guy, that is a very emotional thought, but I have seen it.

When I was a kid, I had this plaque that my grandmother gave me that said the words of St. Paul, which were that we have a responsibility to stir into flame all the gifts that God has given us.

God has given this country so many incredible gifts. I just think we have to be worthy of that. We have to honor our inheritance; and on our best days, for the last 4½ years, we have done that. It has been the honor of my life to do that.

Mr. Speaker, to all my colleagues, I just say that I am confident in you. I know what you all are capable of and what this institution is capable of.

To my constituents, I say thank you. It has been a tremendous privilege to be here in your name.

VA'S PACT ACT WEEK OF ACTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. BOST) for 5 minutes.

Mr. BOST. Mr. Speaker, I rise today in support of the VA's PACT Act Week of Action. Since 9/11, nearly 3.5 million Americans have been exposed to burn pits and other dangerous substances during their time in military service.

It is critically important that they receive the care that they need before it is too late.

This week, we are raising awareness about the health benefits available to them as a result of the PACT Act being signed into law.

Southern Illinois veterans and their families can attend an event with the Marion VA tomorrow, Thursday, December 15, to learn about the care and benefits available to them, including toxic exposure screening, healthcare, enrollment benefits, and claims assistance. It will be held from 5 to 8 p.m. Central Time, at John A. Logan College in Carterville.

Similar events will be hosted all over the region and all over the country, as well.

Now, the veterans need to know you can find out more information at VA.gov/PACT or by calling 1–800–698–2411.

Mr. Speaker, I encourage any and all of our veterans who would be eligible for this care to be proactive in getting the help that they need.

RECOGNIZING MARIA TRIPPLAAR

Mr. BOST. Mr. Speaker, I also rise today to celebrate the service of one of my staffers on the VA committee.

Mrs. Maria Tripplaar has been my staff director, counsel, and friend for the last 5 years as we have worked to deliver on the promises that we have made to our veterans.

☐ 1015

Through her counsel and leadership, we have achieved landmark legislative wins for veterans, their families, and their survivors, particularly the Veterans Appeals Improvement and Modernization Act, the Blue Water Navy Vietnam Veterans Act, the Isakson and Roe Veterans Health Care and Benefits Improvement Act, the PACT Act, and so many other notable and worthwhile laws.

All the while, she was raising two young children and helping us do all of that.

Maria, thank you for your dedication to America's veterans and the success of our committee. We wish you well as you move to the next chapter of your life.

FAREWELL TO CONGRESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LOWENTHAL) for 5 minutes.

Mr. LOWENTHAL. Mr. Speaker, just over 30 years ago, I made the decision to run for the Long Beach City Council because I felt that my councilmember really didn't listen to the constituents and to my neighbors and myself.

This journey of public service has taken me from the Long Beach City Hall to the California State Capitol and now to our Nation's Capitol for the last 10 years.

When I began this journey, I did so with a commitment to listen to my community and to use all of my abilities to help make my constituents' lives better.

Over the years, with the help of my family, my colleagues, especially with the help of my staff, and, yes, my constituents themselves, I hope and believe that I have met that commitment. For this help, I will always be grateful.

Their help has led me to be a champion for the environment, to promote conservation of our wildlife and natural spaces, to clean up our ports and maritime industry, to address the growing plastic pollution and climate crisis, and to promote clean energy.

For my constituents, I have remained a dedicated advocate for human rights, introducing the International Human Rights Defense Act, securing the release of numerous prisoners of conscience and also Americans who have been detained unjustly abroad, and serving as a critical voice for the Vietnamese and Cambodian communities across our Nation, all while working to hold corrupt and autocratic elites abroad accountable for their actions.

My constituents have demanded a better future, and in their name, I have championed a strong and sustainable freight infrastructure network with the National Multimodal Freight Network Improvement Act and key provisions in the bipartisan infrastructure act, all critical issues, as we have seen in the wake of the supply chain crisis.

As a Jewish Member of Congress, I was proud to be a leading voice on the passage of H. Res. 326, a reaffirmation of our commitment as a Nation to a two-state solution and peace in the Middle East.

Throughout this journey, my constituents have remained the stars which have guided me. I have been deeply touched by their support over so many years, just as I am deeply honored by the trust and faith they have placed in me time and time again to represent them.

But as I said while announcing my retirement a year ago, just as every journey has a beginning, so does it have an end, and it is now time to pass the baton.

During this journey, I have been blessed with having the pleasure of raising two fine sons, who have blessed me with four grandchildren, whom I adore. I now look forward to spending time with them and watching them grow and flourish into wonderful people like their parents.

It is also a chance for me and my wife, Debbie, who has been my rock and partner throughout this journey, to even more deeply enjoy our lives together.

However, as Robert Frost wrote, there are miles to go before I sleep.

I believe deeply in the innate goodness of our Nation and our people. I have seen us live up to that potential so many times and, in doing so, move our Nation and the world forward, but progress must be earned. It remains up to each of us to continue that struggle.

While I am stepping away from the front lines of that struggle, I will continue to be at your side, fighting for what is right, for what is just, and for what makes us better as both a people and a Nation.

It has been a distinct honor and a true privilege to serve the people of California's 47th District during my time in Congress.

IN GRATITUDE

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. KATKO) for 5 minutes.

Mr. KATKO. Mr. Speaker, I rise today, after 8 years of service, in gratitude for this body and the people of central New York who have entrusted me to represent them in Congress since 2015.

When I first ran for Congress, I left a job that I absolutely loved as a Federal prosecutor, trying cases involving organized crime, murder, political corruption, drug trafficking, and every manner of awful crime you can imagine.

As a prosecutor, politics never mattered to me. I worked alongside public servants every day who sought to bring justice to victims of crime. We were united in our mission to make our community a better place. I brought this similar approach to Congress, and I dare say it has worked.

I am proud of the work we have done over the past 8 years—and when I say ''we,'' I am talking about myself, my staff, and my colleagues—to solve serious problems and unite people across this great land.

I focused on unifying issues, and I regularly introduced bills with Democratic cosponsors. In fact, almost every bill I introduced, I would not introduce until I had a Democratic lead on that bill.

I broke with my own party time and again when it was in the best interests of central New York and America. I remained an active member of the Problem Solvers Caucus, and I am proud to have led and grown the Republican Governance Group to become a very powerful and moderate voice in the Republican Party.

I am proud today to give this speech while some of my colleagues on the other side of the aisle are saying goodbye, as well. We did a lot of good things together, and I am very proud of them, and I am proud to call them my friends.

I am proud of this approach to governing, and I am honored to have consistently ranked among the most bipartisan and effective Members in all of Congress. That is not me ranking it or my friends; that is an independent group. It yielded the passage of nearly 100 bills in my name and the enactment of laws by Presidents from both parties.

Most importantly, I was able to work across party lines time and again to deliver results for central New York. We delivered a bipartisan infrastructure package and secured historic investments for domestic semiconductor manufacturing that has now brought a manufacturer to central New York that is going to invest $100 billion in central New York. Stunning.

We lowered taxes for the middle class. We began work on addressing the opioid epidemic and mental health crisis. We worked on efforts to strengthen cybersecurity, improve airport and transportation security, and protect our homeland.

In the past year alone, we brought home nearly $9 million in funding for initiatives that will improve the quality of life across our district.

Of course, this has not been a one-man operation. I could not have had these successes without a tremendous amount of support. I have been blessed with family, friends, health, and the most loving and patient wife you could possibly imagine, Robin.

I have been supported by an incredible staff, some of whom I see here today. I am so glad they are here. I have been supported by staff members who faithfully served central New York and diligently worked on the House Homeland Security Committee, as well, to make our Nation safer.

Four times, my constituents in Onondaga, Cayuga, Wayne, and Oswego Counties elected me to be their voice in Congress, and they have consistently provided me with valuable and, oftentimes, very frank input. They have guided my decisions, to say the least.

These constituents are not just Republicans, and they are not just Democrats, and they are not just Independents, but they are all of my constituents. I profoundly understood that. I am eternally grateful for their input.

Serving central New York has been an honor that I can't possibly tell you.

Finally, as my time in Congress comes to an end, I urge my colleagues, Republicans and Democrats, to consider the impact of working across the aisle as they seek to address the many challenges ahead.

Throughout my 8 years in Congress, I have consistently drawn inspiration from the relationship between two diametrically opposed political giants from the 1980s, Ronald Reagan and Tip O'Neill. They were able to compromise and make progress on issues today that seem unfathomable: tax reform, tax cuts, immigration reform, and Social Security reform. Imagine trying to do that today in this divided House.

They did it not because of personal or political gain. They did it because of love for their country. We should all be instructed by that.

While Congress is seemingly more divided than ever, our inability to find common ground is making us less competitive on the world stage, less prosperous, and is getting in the way of solving big problems.

We were all sent here by our constituents to put the work in and to better our districts. When there are only fights and no bipartisan cooperation, it is our constituents, not us, who suffer. Please remember that.

I made working across the aisle a priority during my 8 years in the House, and I can leave here knowing I achieved real results, along with my great team. I worked every day to make my district in central New York and this country better.

So, for the last time, Mr. Speaker, as a Member of the United States House of Representatives, I yield back.

REFLECTIONS ON FAMILY AND PUBLIC SERVICE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Mrs. MURPHY) for 5 minutes.

Mrs. MURPHY of Florida. Mr. Speaker, for the final time, I rise to address this Chamber, and I am leaving here with a heart full of gratitude.

When I reflect on the path I have traveled, I still can't believe it is real—a baby girl born in post-war Vietnam to parents facing persecution by the Communist government. We fled our homeland by boat and were rescued by American sailors. Our family was given refuge, granted citizenship, and provided opportunity in the United States.

My mom and dad worked so hard to make ends meet. They struggled to overcome barriers of language and culture, all so that I could have a better life than they did.

My happiest childhood memories are of fishing with my father. On the water, he told me stories of his old life in Vietnam. His new life in America wasn't easy, but I know he felt blessed to be an American.

Those who have endured the absence of freedom and safety rarely take their presence for granted.

As I grew up, I was encouraged and mentored by so many generous people who expected nothing in return. I remember hoping that, one day, I might be in a position to help people just as they helped me.

Over time, I realized that government service was a good way for me to chisel away at the infinite debt of gratitude I owe this country. I also discovered that it infused my professional life with a sense of purpose.

After the 9/11 attacks, I spent a few years at the Department of Defense, and it was a privilege to work alongside American patriots. I admired their singular focus on the mission: keeping our country safe from those who sought her harm. From them, I learned about courage and commitment.

A decade later, I heard the siren song of public service once again. I had moved to central Florida. I was the mother of two young children and worked at jobs in the private sector I enjoyed, but I was worried about polarization in our political system.

Although deep divisions in American politics have existed since the dawn of our Republic, there was something in the atmosphere that felt especially poisonous. Too many Democratic and Republican leaders failed to treat one another with civility and decency. They were unwilling to express policy differences without making personal attacks or using irresponsible rhetoric.

Extreme partisanship led to legislative gridlock, and communities across the country paid the price, including my own.

When a gunman shot 49 innocent people at the Pulse nightclub in Orlando, it seemed like yet another preventable tragedy that might have been avoided if common sense and political courage were on greater display in our Nation's Capitol.

If you want to change Washington, you have to change the type of people you are sending there, I said to myself, and I thought I could do my part to make things just a little bit better. So, I launched a long-shot campaign for the people's House, inspired by Teddy Roosevelt's view that the credit belongs to the man, or the woman, in the arena.

I was so excited when I became the first Vietnamese-American woman ever elected to Congress, and I thought about all the people who had lifted me up over the years. I confess I also thought about the people who underestimated me.

I wish my dad were alive to see what his daughter had done so that he would know his sacrifices were worth it. I vowed to work every day to prove I was worthy of the faith my constituents had placed in me.

As my congressional career draws to a close, I am proud of my service. I hope I earned the respect of those I represented, whether they were Democrats, Republicans, or neither, or whether they voted for me or would never dream of voting for me.

□ 1030

This job isn't easy, but nothing truly worth doing is. There are few places where you can make such a difference in people's lives as you can in the United States Congress.

Ask the veteran who finally received the benefit they earned thanks to the congressional office who broke through the bureaucratic red tape.

Ask the millions of Americans who got health and economic aid during the worst of the pandemic.

Ask the billions of people who will live on a cooler, cleaner planet because of the green investments we have made.

Ask the lion-hearted people of Ukraine who defend their land with weapons we gave them because their fight is our fight.

And ask the police officers who risked their lives on January 6 and who, hopefully, find comfort in the fact that there is a bipartisan committee that seeks to honor their valor by telling the truth about that terrible day.

I will miss this place, but, above all, I will miss the people. I have had wonderful colleagues, some of whom have become lifelong friends. My staff has been like a second family to me, loyal and devoted. We have had so much fun together and achieved so much for our constituents and our country. To honor them I will be entering their names in the CONGRESSIONAL RECORD. Thank you, Team Murphy.

To my real family—Sean, Liem, Maya, and Kona: I love you. None of this would have been possible or meaningful without you. You are going to be seeing much more of me, as you requested, and as you may come to regret.

I want to end with a word to young Americans, including young girls who look like me. I hope you consider government service. It requires many sacrifices, but the work is important and noble. Our Nation needs good people with steady hands to steer the ship of state: people with integrity; people with common sense who seek common ground; and patriots willing to put the public interest above their personal interests.

Representing my community and my country in Congress has been the greatest honor of my life.

I include in the RECORD the names of my staffers.

Michael Abare, Lauren Allen, Lauren Calmet, Eduardo Carrizosa, Jennifer Carton, Rosnelly Chavarria, David Cox, Gabriel Cruz, Alli Everton, Erica Fuller, Carolyn Haggis, Ken Heidegger, Javier Hernandez, Brad Howard, Justin Karlins, Rachel Kline, MacKensie Kvalvik, John Laufer, James Loomis, Lale Mamaux Morrison, Katherine Marrs, Natalie Martinez, Tamel McKinney, Phoebe Miner, Bruce Moody, Dao Nguyen, David Ogle, Stephanie Palacios, Zoë Prince, Juliana Puente, Jeff Rapp, Nicole Reyes, Adam Safran, Thomas Steenekamp, Christie Stephenson, Kyle Thorp, Emma Trittin, Mark Tucker, Jonathan Uriarte, Christy Wagner, and Madelyn Wiseman.

FAREWELL TO CONGRESS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. CONWAY) for 5 minutes.

Ms. CONWAY. Mr. Speaker, while my service in Congress has been brief, it has been the privilege of a lifetime. When Congressman Devin Nunes'—who was my Congressman—district was redistricted away, I felt that perhaps my prior service as a county supervisor, as the minority leader in the California State House, and as a Presidential appointee might lend me some expertise to finish the term for Congressman Nunes and represent the constituents of California's Central Valley.

I must say that I felt very welcome here by the California delegation on both sides. I had served with many of them in other capacities, so I felt very welcome.

I want to mention very quickly my staff, my prior staff, and my staff now. They know once you have served with Ms. CONWAY, you are a staffer for life.

I also want to thank the staff of this building. Even coming here today I got a little turned around. I know where I am going politically; I am just not sure of the building. So all the staff has been very gracious. I think they actually all know me by first name: the effervescent Ms. CONWAY.

When I was sworn in, I promised the good people of California's Central Valley that they would be the only special interest I represent. I hope they believe that I kept my word.

Congress is not a particularly popular institution right now, and a good dose of the criticism is well-deserved. Serving in Congress doesn't make you a hero and should not break any privilege except the privilege of serving this country. Instead of citizen-legislators, we have many professional politicians today, and perhaps some Americans would prefer that more Members served just 6 months, like I am, rather than for decades.

Nevertheless, I have always had a healthy respect for anyone who puts themselves out there and runs for public office. We need public servants to develop good ideas for solving problems, to present these ideas to their communities, and to advance those solutions in Congress.

In short, this country—the leader of the free world—is worth the conversations, the efforts, and the fights that happen here and on the campaign trail, notwithstanding all the messy unpleasantness that goes with the process.

As Americans it is easy for us to forget how rare and precious self-government has been throughout the world. Each and every day that I have stepped into this historic Capitol, I have stood in wonder and awe of how truly amazing this place is and how truly amazing the opportunity is to serve this country.

In Washington I have found that despite all the current bitterness in Congress—I am getting a little emotional—there were a range of issues, including the California water crisis, in which there is a good chance for bipartisan cooperation.

Moving forward, I urge my colleagues to explore every possibility to work together on water, wildfires, energy, and other pressing issues, knowing that families are counting on us to solve the big problems that impact them daily.

As my service nears its end, I would like to thank my family. They did not take the oath of office, but they have certainly shared with me in this. My heartfelt appreciation—and I use the word heart—goes to my husband, Craig, who actually, 8½ weeks ago, had a heart transplant and is doing well thanks to God; my sons, Anthony and Tim; and my dear grandchildren, Caine and Autrey. I also can't forget our dog, Jake, who doesn't miss me, but I do miss him a lot when I am here.

Finally, I would like to say a few words about my constituents back home. The Valley's agricultural communities work hard to feed the Nation. Most people buying their produce, meat, and milk at stores throughout the country have no idea where that food comes from or all the effort it took to get it to them.

Maintaining the well-being of these communities is a national security issue. Unfortunately, many Americans will only realize that in the most dramatic way if conditions in these communities become so difficult that people simply decide they can't continue working and growing any longer.

In California, especially lately, Silicon Valley gets all the headlines. While I am sure the tech executives deep down inside are nice people and they are smart people, they don't feed a lot of the families.

The Central Valley of California is the main pillar of our Nation's food chain. Its residents are my heroes. They are people who get up every day, go to work, pay their taxes, worship at their place of choice, and donate to charity when they can. I think all they really want to accomplish is to live their best life and maybe go to their kids' or their grandkids' soccer games on the weekend. Most people don't live and breathe politics like we do, but their work ultimately funds everything we do in Washington, and we can never forget them and that we are here with the single purpose of serving them.

So I would like to sign off by expressing my love and pride in the people of California's Central Valley who sent me here in the first place and to whom I shall return.

FAREWELL TO CONGRESS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Virginia (Mrs. LURIA) for 5 minutes.

Mrs. LURIA. Mr. Speaker, I rise today as we approach the conclusion of the 117th Congress and as I near the end of my service in this esteemed body.

As I reflect on the multitude of challenges this Nation and the world has faced over these 4 short years and those that lie ahead, I thank my colleagues and our leadership for the seriousness and dedication with which they have tackled these challenging issues.

I thank my staff in Washington who are here and those in our three district offices for their tireless dedication to the people of Virginia's Second District. They have assisted so many who needed a helping hand—everyone from farmers to shipbuilders across coastal Virginia.

I thank my family: my husband, Robert, and my daughter, Violet. I couldn't have been here and served the district and the people of Virginia without them.

I also want to acknowledge the strength and the bond of the class of 2018. They have been amazing colleagues and true friends, and I know that they will continue to be leaders and focus on improving our country for the next generation.

We entered Congress under a partial government shutdown which was a legacy of a protracted battle of how to fund security at our southern border—a 35-day lapse in government funding. It was the longest in our history. On my first weekend in office I visited a pop-up food bank for members of our Coast Guard where the local community rallied around our Coast Guard families who were starting the new year without a paycheck. This was a story of our community stepping in to care for one another, which is so common, and something that I heard repeatedly across these 4 years in every corner of our district.

But there are also stories of how the distraction caused by political theater and political division can lead to unnecessary hardship. As we approach a looming deadline this year to fund our government, we should not let these divisions or rhetoric stand in the way of performing our fundamental role as Congress.

On May 31, 2019—a day that remains etched in the memory of Virginia Beach—I saw the devastation caused by the first of two mass shootings that roiled our community. That day, 12 innocent victims left home for work before the Memorial Day weekend—a time they looked forward to spending with their families at barbecues and the beaches—yet instead their lives were senselessly stolen by a shooter who entered the municipal center and indiscriminately opened fire.

Again, just weeks ago on the eve of Thanksgiving, a shooter opened fire in a local Chesapeake Walmart where shoppers were grabbing their last-minute items for a holiday meal. This time our community lost six more precious lives who would not join their families at the holiday table. Among these losses was a 16-year-old boy. This Congress has taken small measures to prevent these types of tragic events in our community and yours, Mr. Speaker, but as I depart, I implore my colleagues to continue to do more.

The first time I stood in this very place to speak on the floor of the House, I rose as a Jewish woman to speak out against anti-Semitism which has seen a rapid and alarming rise and has even reared its head among our colleagues in this body in the form of claims of dual loyalty towards those who show support for Israel—our strongest ally in the Middle East. I look back on that first speech I made as a Member of Congress and am even more concerned today about the rising frequency and pervasiveness of anti-Semitism. I implore my colleagues to continue their quest to root out this scourge of vile and pernicious anti-Semitism.

In that first speech, I mentioned my oath to support and defend the Constitution. But little did I know that 2 short years later, I would witness an attempt by our own President and his allies to subvert the Constitution and summon a mob to disrupt the counting of electoral votes of a free and fair election.

On that day, January 6, 2021, lives were lost, these hallowed Halls were desecrated, and the strength of our democracy was tested. I have been humbled to participate in uncovering facts about that dark day in our Nation's history. I thank Chairman THOMPSON, Vice-Chair CHENEY, my colleagues, and the staff of the January 6 Committee for standing on the side of democracy.

I am proud of the work we have done over the last two Congresses to support our veterans and their families. My Gold Star families tax relief legislation eased the burden on children of those killed in combat or deceased from service-connected disabilities. I thank President Biden for making veterans' toxic exposure a priority. We passed the largest increase in access to veterans' benefits in our lifetime through the PACT Act, which included my COVENANT Act to provide healthcare to burn pit veterans.

The threats we face as a nation continue to grow as we witness Russia's unprovoked and unjustified invasion of Ukraine, Iran's persistent pursuit of a nuclear weapon, and the rise of China threatening our maritime and national security. As we have heard in testimony, China is likely to attempt to take Taiwan by force in the next 5 years. This is our most pressing national security concern.

The action or inaction that we take in standing up to China in this moment will determine whose values will rule the remainder of the 21st century—the United States' and our allies' or the Chinese Communist Party.

That is why as I depart I urge my colleagues to take this threat seriously and to fulfill the constitutional task of Article I, Section 8, to provide and maintain a Navy. If we fail to remain the predominant maritime power in the Pacific, frankly, nothing else that we do here in this Congress will matter if we don't get this right.

God bless you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

CONSTITUTIONAL RIGHTS ON CAMPUS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Virginia (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, freedom of speech and thought on college campuses is essential to one of the most important missions of the university: the search for truth.

While censorship can come from the right or left, many colleges and universities are now zealously devoted to advancing leftwing ideas and are willing to disregard evidence and logic to do it.

Universities should be a marketplace of ideas, not temples to a single political dogma. When students or faculty speak out against established norms, they are canceled, fired, or otherwise stigmatized by peers and university administrators.

This is not what our Founding Fathers intended for our country or for our universities. Thomas Jefferson, who founded the University of Virginia, once wrote: ''I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man.''

Universities used to promote this sentiment, but things have changed—and not for the better. Universities should be centers of education, not indoctrination. Yet university leaders either brazenly push their own agenda or walk on eggshells in fear of their own student body.

Research and development suffer when debate and discussion are openly rejected on college campuses. Quashing intellectual curiosity hinders every field of study.

The freedom to speak and think freely comes from God. Students should not have to sign away their First Amendment rights after enrolling in college, especially if those institutions accept taxpayer funds. It is time for colleges and universities to be held accountable when they refuse to protect the free speech of students and faculty.

□ 1045

Members of the Education and Workforce Committee have submitted multiple bills to promote and protect the freedom of speech on college campuses.

In the next Congress, we look forward to examining closely these bills and other ways to preserve the First Amendment on campuses.

INDEPENDENT CONTRACTORS

Ms. FOXX. This administration won't be happy until it controls how, when, and where you work. It is hard to know if it is sheer arrogance that drives this administration to think it knows better than you or if Biden is so beholden to Big Labor that he refuses to see what is best for the rest of America.

Regardless, this administration's attack on independent contractors is wrong, and Republicans aren't standing for it.

Many workers, especially women, have come to rely on the flexibility the independent contracting model provides. A regular 9-to-5 schedule does not work for every American.

Forcing all workers into a one-size-fits-all model, while a dream for union bosses, is a mistake. This debate is about freedom. Workers deserve the freedom to choose how they work.

I am pushing back against Democrats' assault on entrepreneurial opportunity and their attempts to control the lives of Americans from birth until death.

Because I have seen firsthand that when the Federal Government steps aside and allows job creators and industry leaders to innovate, the workforce and U.S. economy will thrive.

We have had enough of this Washington-knows-best mentality.

Remember when President Obama told Americans, ''You didn't build that.'' He ridiculously claimed that businesses need the government's help to be successful.

As if this wasn't bad enough, now the Biden administration is telling America's entrepreneurs, ''You can't build that.'' This is unacceptable. We must do everything we can to stop this proposed rule, and I encourage everyone to get involved.

Get on the phone, call your Representative and Senator, and submit a comment. We must put pressure on the Biden administration to withdraw this proposed rule.

Enough is enough. The livelihoods of real people are at risk. Americans should be able to build a future they want for themselves. It is time for Washington to get out of the way.

RECOGNIZING REPRESENTATIVES G. K. BUTTERFIELD AND DAVID PRICE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. ADAMS) for 5 minutes.

Ms. ADAMS. Mr. Speaker, I rise today to honor two outstanding North Carolinians and my colleagues retiring from the U.S. House of Representatives, the Honorable G. K. BUTTERFIELD for 18 years of service and the Honorable DAVID PRICE for 34 years. These gentlemen have given a total of 52 years of service to our State and Nation for which we are indeed grateful.

True statesmen, Representatives BUTTERFIELD and PRICE have been invaluable Members of Congress and they have served with incredible distinction. They are well-respected, admired, loved by colleagues here in Congress, and revered by citizens back home. They each have made their life's work all about service.

Having known each of them for a very long time, I have appreciated the opportunity to learn from them and to work with each of them in North Carolina and here in Congress. Service has been their legacy as it is the rent we pay for living on this Earth.

Together, these incredible Members have kept their rent fully paid up throughout their careers and in North Carolina and in this Congress.

Both scholars and men of enormous intellect, PRICE and BUTTERFIELD have been leaders in their communities, and they have used their expertise on and off Capitol Hill to interrupt injustice and ignorance.

Our resident historian, G. K. BUTTERFIELD, who served on the Energy and Commerce Committee, worked as a civil rights lawyer, a trial judge, a superior court judge, and served in the North Carolina Supreme Court.

Retired teacher and distinguished professor, DAVID PRICE, led numerous congressional missions abroad during his three decades on the Hill, and he has been influential in his committee work on the Appropriations Committee.

Both have been personal mentors and friends to me, and impactful advisers who I will truly miss.

I thank Congressman PRICE and Congressman BUTTERFIELD for their friendship and for their service. I wish them and their families Godspeed as they retire and take on the next chapter in their lives.

God bless you. Please know that our Nation is much better off, and you have certainly made it much better than you found it. God bless you.

HONORING MAYOR JACKIE CRABTREE ON HIS RETIREMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arkansas (Mr. WOMACK) for 5 minutes.

Mr. WOMACK. Mr. Speaker, I rise today to honor the retirement of a pillar of the Third District of Arkansas, lifelong Arkansan, and exemplary public servant, Mayor Jackie Crabtree of Pea Ridge.

As a former mayor myself, I have high standards for those in this position. I can say with certainty, Jackie has been a very distinguished leader. Few can remember a time in Pea Ridge when Jackie wasn't the mayor.

To love, to serve, and to promote Pea Ridge have been the pillars of his service. There is no growth project or improvement of consequence that has happened in the last quarter century that doesn't have the fingerprints of Jackie Crabtree all of over them.

From new sidewalks, parks, sewer infrastructure, to city buildings, walking trails, water lines, his vision has transformed the city.

He also led many firsts. He was the first full-time mayor, he brought in the first full-time fire and paramedic departments. He even started the Christmas tree lighting and decorations in downtown, to name a few. Those examples only scratch the surface of Jackie's accomplishments.

To me, there is no greater illustration of his success than the thousands of new residents who have flocked to Pea Ridge. It is a vibrant destination, one where people want to live, work, and raise their families.

I congratulate Jackie on a terrific career and life of service to his community. His hard work has been instrumental in building a better future.

While I know his high school sweetheart and wife, Freida, son, Eric, and granddaughters will enjoy the extra time he will have for them, know that his leadership will be sorely missed.

Mr. Speaker, I welcome my friend to the former mayor's club. Congratulations, Jackie.

HONORING SHERIFF TIM HELDER ON HIS RETIREMENT

Mr. WOMACK. Mr. Speaker, I rise today to recognize a trusted protector of the people of Arkansas, and a man I am blessed to know as a friend, Washington County Sheriff Tim Helder.

For nearly four decades, he has nobly worn the badge. His heart for service is core to his character; it could even be argued it is in his blood. That point is only further reiterated by the fact that both his father and grandfather also wore the uniform, and I know they would be proud.

It is poignant that his law enforcement career is beginning and ending at the Washington County Sheriff's Office. After starting as a dispatcher, he attended the police academy, went on to work for the Fayetteville Police Department where he climbed the ranks.

After 21 years in Fayetteville, he returned to the sheriff's office and holds the honor of being the longest serving sheriff in its history.

On a personal note, I will miss the sheriff breakfasts that he would host for the community as a time to catch up and build trust. I hope that tradition will be carried on.

When reflecting on his career, I could list his many accomplishments or accolades or the names of the men and women he has helped lead, but I want to read the creed on his challenge coin, it sums it up:

> I pledge before God and my community to faithfully perform my duties with integrity, professionalism, respect and fairness. I will bring a good attitude to work and take responsibility for all of my actions. I will have the courage to do the right thing for the right reasons without exception.

More than just words. That is how Sheriff Helder has lived his life. The Third District is safer and stronger because of his service.

Mr. Speaker, I thank him for his principled integrity, and I wish him a blessed retirement.

REQUESTING OPEN AND STRUCTURED DEBATE ON JUST WAR PRINCIPLES IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCNERNEY) for 5 minutes.

Mr. MCNERNEY. Mr. Speaker, I introduced H. Res. 1009 in March of this year. This resolution states that it is the sense of the House that the House should debate five of the six commonly accepted principles of the Just War theory to declaring war or authorizing military force.

The other Just War principle is that wars should be authorized by the Nation's legitimate body, which in this case is the House of Representatives.

The reasoning behind H. Res. 1009 is as follows:

One, the U.S. House of Representatives shares the constitutional responsibility to declare war and authorize military force with the United States Senate (Article I, Section 8, Clause 11), but the House has traditionally been the body responsible to declare war or authorize military force.

Two, war and military action will always cause injuries, death, destruction, loss of property, famine, displacements, and other hardships. Because of these privations, military authorizations should only be undertaken with sufficient justification.

Three, weapons of mass destruction are possessed by a substantial and growing number of nations. These weapons may be capable of exterminating humanity.

Four, any conflict has the potential to expand beyond the original intent of the belligerent nations.

Five, the Just War theory of what constitutes the moral justification for a nation to engage in war has been developed over the past two millennia.

Six, some of the Just War principles are incorporated into the United Nations charter, but this has not prevented the many wars that have taken place since the United Nations was established. No nation in recent history has incorporated the principles of Just War theory into its own governing laws or traditions.

Seven, in the United States, an open and transparent debate of the Just War principles would give lawmakers in the United States House of Representatives a structured framework to examine if a call to conflict would be morally justified and may prevent our Nation from entering conflicts that may be harmful to our Nation's interests.

Eight, it is possible that debating the Just War principles in the U.S. House of Representatives before authorizing military force would have kept the United States out of military conflicts in the past that have been harmful to our Nation's interests.

Nine, H. Res. 1009 does not require the U.S. House of Representatives to debate the Just War principles, but essentially recommends that it does so.

Ten, H. Res. 1009 does not limit executive authority, but it does help to ensure that the executive does not overreach.

Eleven, after discussions and inputs from Just War scholars, some improvements to H. Res. 1009 have been noted.

My intention with H. Res. 1009 is to introduce the idea of having an open and structured debate in the House of Representatives on the most serious and grave responsibility of our government, that of declaring war.

In our Nation's history, declarations of war have been done at the request of the President. Having an open and structured debate will lessen the opportunity for misuse of our Nation's military but should not impede our Nation's ability to react to defend our country.

Mr. Speaker, I urge the House of Representatives to adopt this concept in the upcoming 118th Congress of debating the Just War principles before authorizing military action and expect that adopting such a resolution will inspire other nations to do the same, thereby reducing the likelihood of future unjustified wars.

HONORING THE LIFE OF THE LATE 24TH DISTRICT VIRGINIA DELEGATE RONNIE CAMPBELL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CLINE) for 5 minutes.

Mr. CLINE. Mr. Speaker, I rise today with sorrow to honor the life and memory of the late Virginia delegate, Ronnie Campbell, who passed away following a hard-fought battle with cancer.

Ronnie cared deeply for his community and for the Commonwealth and devoted his life to serving others. He served in the Virginia House of Delegates, and proudly represented all of the residents of the 24th District.

□ 1100

He made a career in law enforcement, first as a State trooper with the Virginia State Police in Northern Virginia and then as a contractor, which gave him insight into the impact that government regulations have on small businesses.

Ronnie was driven to serve both his Rockbridge community and his home county of Augusta. He represented constituents as a member of the Rockbridge County School Board and as a member of the Rockbridge County Board of Supervisors.

Ronnie spent countless hours dedicated to public service, and he will always be remembered as a stalwart conservative voice and strong leader. Above all, he was a loyal friend and neighbor to all.

Our hearts and prayers are with Ronnie's wife, Ellen, and his five children during this difficult time. May Ronnie's memory be eternal.

HONORING THE LIFE OF GRANT WAHL

The SPEAKER pro tempore (Mr. COSTA). The Chair recognizes the gentleman from Washington (Mr. KILMER) for 5 minutes.

Mr. KILMER. Mr. Speaker, most people knew Grant Wahl as a leading soccer journalist. I knew him as a classmate and as someone I admired.

Sadly, we lost Grant this past weekend, and I join the many people here in America and around the world who are celebrating his life.

Grant and I went to college together. Before he covered soccer for worldwide news organizations, he was the sportswriter for our school paper.

As an undergrad, Grant visited South America and fell in love with soccer. While he was there, he watched clubs train, watched games, and developed the passion of a convert.

By 1998, he was covering the World Cup for Sports Illustrated. How cool is that?

His love of soccer was infectious. He made others appreciate this sport because he did. In one commemoration of Grant, Christian Stone wrote: ''Wahl became the definitive chronicler of the sport in North America, a world traveler who applied rigor, depth, and passion, without being pedantic or precious, to his coverage. He visited six of the seven continents several times over, introduced the world to a generation of U.S. woman rock stars . . ., coaxed private audiences out of some of the planet's most reclusive stars . . . , and led a life of globetrotting freedom, adventure, and pleasure that was Bourdain-like.''

But Grant's greatest passion was not the sport he loved. It was the woman he loved, Celine, who he met at Princeton and married in 2001. Celine is an extraordinary doctor in her own right, an infectious disease expert who so many have looked to throughout the COVID pandemic.

In Celine, Grant found a spouse who matched him as someone at the top of their field in a career dedicated to improving the world.

Grant was accomplished and yet humble. He was driven and yet kind. He was a champion for social justice. He was a strong advocate for pay equity for women players.

On November 21, when World Cup security detained Grant for wearing a shirt with a pro-LGBTQ+ equality message, people saw Grant's name in news headlines everywhere.

Grant's refusal to change his shirt offered a glimpse of the integrity he displayed throughout his life, both in journalism and toward those that he loved.

Many of us were fans of Grant when he worked for Sports Illustrated, when he published books, when he developed amazing podcasts. We marveled at his documentary, ''Exploring Planet Futbol,'' where he traveled the world exploring the glory of the sport he loved.

I admit, over the last few days, I have spent time diving into the Sports Illustrated vault, listening to his podcast. Like many of his classmates, colleagues, and friends, I have come away with a feeling of just being proud of him.

But Grant wasn't just an extraordinary journalist. He was an extraordinary person. He was a good and generous and kind man. He had a phenomenal smile that made people feel welcome in his presence.

Going forward, when I watch soccer, when I read amazing sportswriting, when I see someone show courage or kindness, I will think of Grant Wahl.

Mr. Speaker, please join me in offering sincere condolences to Celine, to all of his loved ones, and to all who cared for him.

CELEBRATING THE SERVICE OF DR. KASHYAP PATEL

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. NORMAN) for 5 minutes.

Mr. NORMAN. Mr. Speaker, I rise today to celebrate the dedicated service and enlightened research of Dr. Kashyap Patel, the chief executive officer of Carolina Blood and Cancer Care Associates.

Dr. Patel was born and grew up in Gujarat state, India, where his father taught him about the great activist Mahatma Gandhi. During this time, he learned life's guiding principles: You walk with people. You don't walk over them; you don't talk over them. Be a voice for the voiceless, marginalized, and underprivileged citizens.

In 1996, Dr. Patel immigrated to the United States from the United Kingdom on an EB–1 as an individual of extraordinary ability due to his achievements in cancer research. He became a naturalized citizen in 2002.

Upon moving to the United States, he completed his residency at Jamaica Hospital in Queens, New York, primarily serving a low-income minority population.

As the CEO of Carolina Blood and Cancer Care Associates, a practice with eight providers, Dr. Patel and his colleagues have never turned away any patients with cancer in more than two decades, irrespective of ability to pay.

This is all due to his 501(c)(3) foundation, No One Left Alone, or NOLA, which supports uninsured cancer patients. All proceeds from his book, ''Between Life and Death,'' also go to the NOLA Foundation.

Dr. Patel has an encouraging and loving family. His wife, Alpa, his son, Maharshi, and his daughter-in-law, Hirangi, support him in walking his path of placing others above himself.

In 2022, Dr. Patel was recognized for his work in ''The ASCO Post Narratives in Oncology,'' an annual special issue commemorating oncology leaders from across the world. He is the first community oncologist to receive this distinction.

Just a few of his other awards and outstanding achievements include: president of the Community Oncology Alliance; Living the Mission Award NCODA 2021; Lifetime Achievement Award, SCOS, for contributions to cancer; 2022 nominee of the Ellis Island Medal of Honor; associate professor in the Department of Internal Medicine at VCOM in Spartanburg, South Carolina; medical director of the Internal Oncology Network for diversity, equity, and inclusivity; and associate editor in chief at AJMC's ''Evidence-Based Oncology.''

Dr. Kashyap Patel has truly set the gold standard for decades of dedicated service and commitment to his patients and to the community, for which he will long be remembered. For that, we all join in saying a big thank-you.

In the words of Winston Churchill, there is a time when doing your best is not enough; you must do what is required. Dr. Patel has done what is required to serve his patients and live a lifetime of dedicated service.

INSIGHTS FROM 16 YEARS OF SERVICE IN CONGRESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 5 minutes.

Mr. YARMUTH. Mr. Speaker, several years ago, I ran into a former Member of the House and asked him whether he missed it. He answered: ''I don't miss the circus. I miss the clowns.''

Now that I am in my final days as a Member and have reflected on my 16 years here, I am going to tweak that line. I won't miss everything about the circus, and I will miss many but not all of the clowns. I also now understand why so many people are afraid of clowns.

I definitely will miss speaking on the House floor, so I will use my last appearance in this historic space to talk about what I will and won't miss.

I will miss the feeling that I am part of history, if not always history I would brag about.

I will miss the constant reminder that I have served in the same body as Abraham Lincoln, John Kennedy, John Lewis, and so many other amazing Americans.

I will miss the serious, thoughtful, and often noble discussions about how we can make a positive difference in the lives of so many Americans, even if we rarely make as big a difference as we would want.

I will miss the give-and-take of policy debates, even though I know there was never a chance the debates would change anyone's mind.

On the other hand, I won't miss the reality that most of our rhetorical firepower is preaching to our respective choirs and that too much of what we say comes from the devils and not the angels of our natures.

I won't miss the constant emphasis on raising money and the apparent conviction of some that only gobs of money can persuade enough voters to win elections.

I won't miss the frustrating reality that we rarely move quickly enough to deal with the challenges of a fast-moving world and the fear that if this body doesn't figure out how to work more expeditiously, we will continue to frustrate our citizens.

I will miss many of my colleagues, some of whom are now among my best friends and, yes, even some from across the aisle. They have broadened my perspective and reinforced my belief that, with all of our flaws, we are essentially decent and caring people who try to find better ways forward for our country. I respect them and thank them for their service and friendship. They are definitely not clowns.

I have so many other people to thank as I leave this body. Of course, I must thank my family for encouraging me to do this work and for excusing me for missing so much of their lives, and in recent years, my grandsons, J.D. and Rory, for being constant reminders that what we do here has implications far beyond the moment.

I will be eternally grateful to the people of Louisville, who have given me the extraordinary honor and responsibility to represent them here.

As a former staffer, I knew that a great staff is essential for success. I have been blessed with phenomenal staff members throughout my eight terms. Thanks to every one of you.

I am also grateful to the staff of the House Budget Committee, which always made me look more competent and knowledgeable as the chairman than I otherwise would have.

Thanks to all the House support staff, who serve quietly and effectively to keep this body functioning.

Thanks to the Capitol Police, who protect and defend us and who showed the world on January 6, 2021 how brave and selfless they are.

Thanks to all of my committee chairs and ranking members whose examples kept me from screwing up any more than I did.

Thanks and praise to Democratic leadership, Speaker PELOSI, STENY HOYER, and JIM CLYBURN, for their friendship, trust, and inspiration.

Finally, I thank the person who has been with me every minute of my 16 years in the House. If Julie Carr is not the best chief of staff ever to serve here, there is no better model to emulate. I often said that if she left me, I would retire the next day. Luckily, she stuck with me, and now she will also leave the House after 25 years of service to me and others.

The citizens of Louisville are, unbeknownst to them, much better off because of her work, and I was a better Member because of her intellect, judgment, dedication, and friendship.

Thank you for everything, Julie.

I will leave the House proud of my work, grateful for the opportunity to serve here, and committed to continue to serve our great country and its people.

For the last time, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman yields back his time, and I thank him for his service.

HONORING THE SERVICE OF HERSCHEL RYAN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Louisiana (Ms. LETLOW) for 5 minutes.

Ms. LETLOW. Mr. Speaker, I rise today to honor Mr. Herschel Ryan, an incredible individual who is not just a close personal friend but a true American hero.

My personal experiences with Herschel Ryan started when I was a small child, but the most poignant moment that I ever had with him was when he chaperoned on our church mission trip in the seventh grade. It was there that he took a few minutes and shared with me his personal experiences from the Vietnam war.

Mr. Herschel was a talented pilot in the Army, achieving the rank of captain and recognition for his skills in flying helicopter missions.

It was while he was supporting a combat operation on February 9, 1968, that his flight encountered intense enemy fire, and he took a direct hit. His injuries were so severe that he would ultimately lose his left hand and eye, yet he still managed to direct his flight back to safety.

For his gallantry and bravery, he was awarded the Silver Star, the Bronze Star, the Purple Heart, the Army Commendation Medal, and the Air Medal with 25 oak leaf clusters.

Mr. Speaker, hearing Mr. Herschel's story was formational for me. It was the first time I had ever heard a personal perspective from a veteran. What a gift he gave to me that day.

In this Chamber, we often talk about the need to honor our veterans and the desire to celebrate our heroes. When I think of those who served and sacrificed, I think of Herschel Ryan, a glowing example of some of the finest men and women this country has ever produced.

He fought in a war that was unpopular and came home to a country that did not want to talk about heroism.

□ (1115)

But in spite of all that and the personal challenges he faced; he never lost his joy. I cannot think of a more genuine, warm, and kind man. He has an infectious laugh and spreads happiness to everyone who is around him.

Mr. Speaker, Mr. Herschel just turned 80 years old and has retired from a successful career in business. He now travels with his wife, Debbie, and volunteers his free time working with veterans who suffer from PTSD, wanting to continue to serve others.

Mr. Speaker, today, here in the House of Representatives, we pause and pay tribute to a great man and true American hero, Mr. Herschel Ryan.

PARENTS MAY MOVE FORWARD BUT NEVER FULLY HEAL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Georgia (Mrs. MCBATH) for 5 minutes.

Mrs. MCBATH. Mr. Speaker, on Black Friday, 10 years ago, my son, Jordan, was murdered at a gas station in Jacksonville, Florida, because the man simply didn't like the loud music he and his friends were playing in their car. He called them gangbangers and thugs.

Within 3½ minutes, he pulled out a gun from the glove compartment of his car, took a shooter's stance, and fired 10 rounds at the car, hitting my son, Jordan, three times, killing my only son.

A month later, a man who should never have had access to an assault weapon murdered 20 children and 6 staff at Sandy Hook Elementary School.

The love that a parent has for our children is different. It is unique in that our love for everyone else has a beginning, but for our children, our love has no end.

When your child is born, it is hard to understand how you are capable of feeling so much love. It is a love so precious and pure that it flows through your soul. As they grow, your love grows with them. Each day, you can't imagine loving them more, and yet every day you are proven wrong.

Oftentimes we can feel vulnerable with this love and all the fear that comes with it. Being a parent is like that. If everything goes right, if we do everything we can for our children, the very worst can still happen.

Principal Dawn Hochsprung and psychologist Mary Sherlach yelled to their colleagues: ''Shooter. Stay put'' when they investigated the first shots. They were the first killed as they alerted the others.

Janitor Rick Thorne ran through the hallways alerting classrooms of the danger. He used his master key to lock many of the doors for them. The key was so worn from use that it snapped in one of the doors.

The first graders in Lauren Rousseau's classroom were not allowed to grow. Lauren had worked at Sandy Hook for a week. She had tried to hide them in the bathroom. She had fought to keep them safe. Fifteen of her students were killed. Fifteen first graders were murdered in a bathroom by a man with an assault rifle.

One 6-year-old girl played dead among the bodies of her classmates. She was the only one to survive in that room. Covered in blood, the first thing she said was: ''Mommy, I'm okay, but all my friends are dead.''

The next room the killer entered was that of Victoria Soto, who did her best to conceal her students in a closet. Some were hiding under desks. As the gunman fired at them with his Bushmaster, he stopped to reload. Six-year-old Jesse Lewis shouted at his classmates to run for safety, and several did. Jesse was looking directly at the shooter when he was murdered.

Anne Marie Murphy, a special education teacher, was found shielding 6-year-old Dylan Hockley. The bullets took them both.

Victoria's sister, Jillian, was captured by photographers in what some call the defining photo of that horrific day. She is forever immortalized on the phone, sobbing, receiving that devastating phone call, the call that is a sucker punch to your stomach, the phone call that brings you to your knees when your desperation simply will not let you stand, that leaves you gasping for air when the agony will not let you breathe.

A decade ago, my child was murdered. The very last day I saw my son, Jordan, he was wearing red sneakers. He had khaki-colored slacks on and a black backpack slung over his shoulder as he walked out the door. He said: ''I love you, mom'' before he got on the plane to Jacksonville, Florida. Jordan talked about coming home for Thanksgiving, and that day still haunts me.

In Newtown, parents watched their children walk out the front door, and some never saw them again. We are left only with the memories of our loved ones and the lost dreams of what could have been.

Parents may move forward but never fully heal. They never fully recover.

In honor of their legacy, it is imperative we continue to fight for lifesaving policies such as universal background checks, safe storage, ghost gun regulation, an assault weapons ban, and so much more.

In the words of a well-known writer:

''To value life of others
''Is to acknowledge the sanctity of yours
''To feel for the ruin of others
''Is to respect the existence of yours
''To fight for the freedom of others
''Is to preserve the liberty of yours″

CELEBRATING THE 175TH ANNIVERSARY OF THE CITY OF ZEELAND, MICHIGAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. HUIZENGA) for 5 minutes.

Mr. HUIZENGA. Mr. Speaker, I rise today to recognize my hometown, the city of Zeeland, on its 175th anniversary.

Throughout the first week of October, friends and residents of this small but vibrant city in west Michigan gathered together to celebrate and share memories of the community's storied history.

The village of Zeeland was established in 1847 when nearly 500 Dutch citizens, led by James Van de Luyster, sailed from Zeeland in the Netherlands to pursue religious freedom and self-rule. I will note that my own family came in the second wave that same year of 1847 and has proudly been ensconced in the city of Zeeland since then.

After settling on 16,000 acres of land, one of the first buildings established was a church. Here, Reverend Cornelius van der Meulen became the first spiritual leader and pastor to the Zeeland colonists, offering hope and courage as the settlers cleared thick forests and tackled this new land.

As the center of the community, the church served as a place of worship on Sundays as well as a school on the weekdays, with instruction provided in both English and in Dutch.

A burgeoning manufacturing and agriculture sector, as well as a post office helped Zeeland to grow, leading to incorporation as a city in 1907. Now, the 1900s were a time of growth in Zeeland. In fact, my own father served over 30 years on the city council from the late 1960s up until the 1990s.

While the city has grown, one thing has remained a constant: The innovative, entrepreneurial, close-knit, and welcoming community continues to make Zeeland a special place to live, work, and raise a family.

Mr. Speaker, let us join in recognizing all former and current residents of the city of Zeeland as they celebrate their 175th anniversary.

THE GREAT PRIVILEGE OF SERVING THE PEOPLE OF RHODE ISLAND'S SECOND CONGRESSIONAL DISTRICT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. LANGEVIN) for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I rise today with mixed emotions, as this will likely be the final time that I speak in front of this Chamber as a Member of Congress.

For the last 22 years, I have had the great privilege of serving the people of Rhode Island's Second Congressional District. It has been the honor of my lifetime to represent the voice and vote of my constituents, and I am so humbled by the faith and the trust that they have placed in me all these years.

After my accident, it was my community that was there for me when I needed them the most, and it was their constant love and support, along with my family, which ultimately inspired me to run for office as a way of giving back.

My journey to recovery was not always an easy one, but thanks to my family, my faith, and my community, I was able to move forward and become the first quadriplegic ever elected to the United States Congress.

For the last 36 years, I have woken up every day with one goal in mind: giving good public service to the people of Rhode Island. That focus has held true since my early days in public service, beginning when I was elected as a delegate to Rhode Island's Constitutional Convention, continued through my time in the General Assembly and as the Nation's youngest secretary of state, and it has remained strong throughout my final days as a United States Congressman.

I will forever be grateful for the enduring friendships and lifetime memories that I have forged here in this body. But most of all, I am so proud of all that we have been able to accomplish for the people of Rhode Island and the United States.

I have fought to protect and advance the rights of Americans with disabilities, moving our society closer to becoming fully inclusive and accessible for all.

On the Committee on Armed Services, I have led the efforts to strengthen our national security, and cybersecurity, in particular, and I have been proud to support the hardworking men and women of my district who build the world's finest nuclear submarines at Electric Boat.

As the chairman of the Subcommittee on Cyber, Innovative Technologies, and Information Systems, I have sought to procure the finest, cutting-edge technologies for our soldiers, sailors, airmen, guardians, and marines, so that our women and men in uniform never enter a fair fight.

Moreover, I have spoken up for our Nation's foster youth, who are too often forgotten and left behind, and I have worked across the aisle to invest in job training, apprenticeships, and career and technical education.

Looking back, I will always be proud of my vote for President Obama's Affordable Care Act, which lowered healthcare costs and secured coverage for millions of uninsured Americans.

I will never forget the moment that I became the first Congressman in a wheelchair to preside over the U.S. House of Representatives as Speaker pro tempore as we marked the 20th anniversary of the Americans with Disabilities Act. I thank NANCY PELOSI, perhaps the greatest House Speaker of the modern era, for making that day possible.

Likewise, I thank Majority Leader STENY HOYER for his decades of friendship and leadership in passing the Americans with Disabilities Act and for his unrelenting efforts to make sure that the Capitol complex is accessible to Americans of all abilities.

I also express my gratitude to my colleagues in the congressional delegation, Jack, Sheldon, and David, for their friendship and support. I could not have asked for better colleagues to work with on behalf of our great State.

Finally, I thank the dozens of dedicated staff members who have served in my office over the years, as well as my friends and my entire family, especially my mom, my late dad, my brothers, and my sister for standing by my side every step of this journey.

Choosing not to seek reelection to Congress was one of most difficult decisions of my life. But after two decades of living in two places at the same time and weekly air travel, I am ready to chart a new course.

Although I will no longer be in Congress come beginning of next year, I am not going away. I am just coming home.

I love my State, and I love the people who live there. So most of all, I want to say thank you, Rhode Island, for the opportunity to serve the community which has given me so much. I will always cherish the time that I was blessed to represent you.

BEEKEEPING AT UNIVERSITY OF GEORGIA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. CARTER) for 5 minutes.

Mr. CARTER of Georgia. Mr. Speaker, I rise today to congratulate the University of Georgia for the creative ways it is building a more environmentally sustainable campus. Late last year, UGA golf course superintendent Scott Griffith took up an interest in, of all things, bees.

Alongside the College of Agriculture and Environmental Sciences, Griffith established a beekeeping program on the golf course, recognizing that it would make for an excellent outlet for educating students about the importance of pollinators.

Bees, as we all know, play a vital role in maintaining our ecosystem. These industrious insects pollinate our flowers and crops, helping to maintain the delicate balance of nature that allows for a bountiful supply of food and a greener world to live in.

Unfortunately, bees have faced numerous, sometimes existential challenges in recent years. Pesticides, habitat loss, and deforestation have all contributed to decline in the population of bees, which has had a serious cascading effect throughout the food chain.

By providing a safe and nurturing environment for bees, the university is not only helping to safeguard these creatures, but they are also educating the next generation of leaders about the importance of conservation and sustainability.

I again congratulate Mr. GRIFFITH and all UGA faculty for their out-of-the-box thinking. I look forward to seeing the positive impact this will have on the ecosystem and community in Athens.

□ 1130

CONGRATULATING TIERRA JACKSON

Mr. CARTER of Georgia. Mr. Speaker, I rise to recognize Tierra Jackson, a pharmacy student at the University of Georgia, for being named president of the Student National Pharmaceutical Association.

As president, she is responsible for shaping the priorities of the organization. She decided that the organization's theme for this year would be Students Creating, Reimagining, and Innovating Pharmacy Together. She hopes to bring together a broad group of students who are interested about the profession of pharmacy, healthcare issues, and the poor minority representation in these areas.

The Student National Pharmaceutical Association is a leading voice in pharmacy education, has 120 chapters nationwide, and boasts over 5,000 members. This distinction is evidence of the diligence she carries with her every day.

A native of Statesboro, Georgia, she received a bachelor of science in pharmaceutical science degree. While an undergrad, she was the president for the Pre-Pharmacy Society and vice president and service coordinator of the NAACP. She is cofounder and vice president of the Black Student Pharmacist Organization.

Even at such an early stage in her career, she has already displayed leadership beyond her years. I am proud of Tierra Jackson and the impact that she is having on shaping the future of the pharmacy and pharmaceutical industry.

I congratulate her on her appointment, and I wish her a successful tenure as president of the Student National Pharmaceutical Association.

BIDDING FAREWELL TO CONGRESS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Michigan (Mrs. LAWRENCE) for 5 minutes.

Mrs. LAWRENCE. Mr. Speaker, I rise today to give my farewell speech on the floor of the House of Representatives.

It has been the honor of my lifetime to represent Michigan's 14th Congressional District for the past 8 years.

A few months ago, I announced that my family and I made this remarkable, tough decision that this will be my last term serving as a Member of Congress. For 8 years, I have been given an amazing opportunity, an opportunity to serve and walk the Halls of Congress, and I have enjoyed every minute of this journey.

I am deeply grateful to the people of the 14th District in southeast Michigan who gave me their vote and trusted me to represent them in office. I have been representing southeast Michigan for 30 years. I am coming home.

I was trained to be a public servant in local politics, where I was the first woman and the first African American to ever be elected to the position of mayor in the city of Southfield, for which I served for 14 years. I also served as school board president and president of the city council.

In this Chamber where I stand, we debate issues and confront challenges on behalf of the American people. This thing that we call a democracy is defined by the vote of the people and someone stepping up for public service.

I was raised by my grandmother, who migrated from Georgia to Detroit in the height of the American civil rights movement. I remember watching her in tears as America marched, protested, and fought for a nation where we would not be judged by the color of our skin but by the content of our character.

She instilled in me the passion for democracy and the importance of voting. She told me: Brenda, if you work hard and get your education, there is absolutely nothing that you can't do in these great United States of America.

For the past 30 years, I have learned how important it is to be accessible to my constituents, to act as their voices in the rooms that they cannot enter. I went to places of worship, met with union representatives, walked with the people, and made sure that the door was open so that every citizen I represented had an opportunity to have their voices heard.

As a member of Michigan's congressional delegation, I am proud to have legislated on issues that are important to our great State of Michigan—water quality, union rights, justice, transportation and infrastructure, manufacturing and the auto industry, housing, and education. I am most proud of using my voice to fight on behalf of my constituents.

The diversity of my district truly represents the diversity in America:

I represent immigrants.

My district has an international border.

I have the Great Lakes.

I have one of the largest Jewish populations in the country.

My district is majority African American, and I have a very large Hispanic population.

Seeing the rich diversity in my district, I founded the Congressional Caucus on Black-Jewish Relations to foster that relationship between those of us who are targeted the most for hate and for discrimination.

We accomplished amazing work, and I am proud of the legacy that I will continue to support as a citizen of this country.

I currently serve as the vice chair of the Congressional Black Caucus, which is led by my colleague and my dear friend, Congresswoman JOYCE BEATTY. I have been able to serve with some legends—like John Lewis and Elijah Cummings—in that capacity, and I know that having the Congressional Black Caucus, the conscience of Congress, this Congress will continue to move in the right direction.

As you know, I was a member of the United States Postal Service for 30 years. When I arrived in Washington, my top priority was to sit on the House Oversight Committee where I could continue to fight for the survival and the efficiency of the United States Postal Service and fight for my postal family.

I am so proud that we passed the Postal Service Reform Act that we have been fighting for for years. Also, I am proud of my fight for the Flint water crisis, to make sure that we have water in America that will not hurt or harm people and that we fight for clean water in America.

I serve on Appropriations, where I am vice chair of the House Committee on Appropriations. I am standing here to say that the dollars that you pay going to the right place has been very defining. I thank my staff for all the support they have given me, and I look forward to coming home. I am excited to spend time with my family—my husband, my children, and my granddaughter—and the community of southeast Michigan.

CELEBRATING EIGHT CONSECUTIVE STATE CHAMPIONSHIPS FOR ALCOA HIGH SCHOOL FOOTBALL TEAM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. BURCHETT) for 5 minutes.

Mr. BURCHETT. Mr. Speaker, I am glad you are up there, but I am disappointed that the gentleman from Tennessee (Mr. COOPER), my friend, has left. He is the dean of the Tennessee delegation, and he has been a good friend to me since I came to Congress. I would see him every morning. I think it was kind of a parallel to our lives. He was always going to do yoga, and I was going to get beat up in boot camp working out in the morning, but he was always very kind to me, and I believe there is always a place in Congress for people like JIM COOPER.

Mr. Speaker, today I rise to congratulate Coach Brian Nix and the Alcoa High School football team on their eighth consecutive Tennessee State championship title.

Alcoa defeated East Nashville in a 45–26 win to bring home another AAA State championship. This win marks the Tornadoes' 21st State championship, and for Brian Nix it is the first one serving as their head coach. I am overwhelmingly proud of this team and its resilience.

Mr. Speaker, the Alcoa Tornadoes finished out the season with an impressive 14–1 record and brought home their eighth consecutive State title, which is quite an achievement.

The seniors on this team will remember this season for the rest of their lives, and it is truly a special thing for these younger guys to be able to come back next year and try for another ring.

Alcoa is well-staffed with coaches Alex Taylor, Ben Love, Brian Gossett, Chris Collett, Dakota Summers, David Sweetland, Jonathan Harris, and Peyton Jones.

Congratulations to all the Tornadoes on your big win. You absolutely have earned it.

CONGRATULATING KNOXVILLE WEST HIGH SCHOOL FOOTBALL TEAM

Mr. BURCHETT. Mr. Speaker, today I rise to congratulate Coach Lamar Brown and the Knoxville West High School football team on their undefeated season in the Second Tennessee Class 5A State championship.

Knoxville West earned their ring at Finley Stadium in Chattanooga with an outstanding 47–13 win over Paige High School. After the big win, the Tennessee Titans named head coach Lamar Brown as 2022 High School Coach of the Year.

It is truly special watching a team have this amount of respect and trust in their coaching staff and vice versa. It is more than just a game, Mr. Speaker. Head Coach Lamar Brown and the rest of his coaching staff did a tremendous job in coaching these young men throughout the season. I happened to see many of their games. One of my dearest friends, Todd Scott's boy plays for this team and former mayor Madeline Rogero's grandson was on the team.

Congratulations to all the Rebels on your State title. You earned it and made the city of Knoxville proud along the way.

A SUCCESSFUL CONGRESS

The SPEAKER pro tempore (Mrs. LAWRENCE). The Chair recognizes the gentleman from California (Mr. COSTA) for 5 minutes.

Mr. COSTA. Madam Speaker, the 117th Congress, I believe, will go down as one of the most successful Congresses in modern history. We have passed over 200 bipartisan bills, provided funding for vaccine relief, the American Rescue Plan, $1.2 trillion bipartisan investment in infrastructure, efforts to deal with our veterans, focusing on reform on the Postal Service, the Inflation Reduction Act, and the list goes on and on.

We have not passed such successful legislation since perhaps the Great Society in the 1960s. As we reflect upon that and the historic Speakership of NANCY PELOSI, we reflect upon the success of the last 2 years with a 4-vote majority and a 50–50 tie in the Senate. Certainly her Speakership is historic in so many different ways.

Madam Speaker, I look on to the next Congress, the 118th. Hopefully, notwithstanding our divisions, we can find ways to work together on infrastructure as we continue to invest in America, in water, extreme drought conditions facing the West and California, much necessary for the long-term future because where water flows, food grows; investing in transportation to compete around the world; broadband; I want to get a medical school in the San Joaquin Valley. We have a shortage of physicians, and we need to increase the number of nurses to improve better healthcare for all Americans. We need to focus on rural America. I represent a great deal of it.

Yes, there are divisions in this country, but I hope the 118th Congress remembers that we are here to serve the people. This is the people's House. That is our purpose, to work together and solve problems.

Madam Speaker, I am hoping that my alma mater, Fresno State Bulldogs, will be successful in Saturday's game. Go, Dogs.

SOUTHERN BORDER MESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LAMALFA) for 5 minutes.

Mr. LAMALFA. Madam Speaker, I have had a chance on several occasions to visit our southern border between the U.S. and Mexico. Of course, I wish our people in the White House would take the time. It is a very important thing. There are not more important things for the President and the Vice President to do than to see firsthand the mess we have among our four border States, but truly the effect it has, as every State is a border State because they flow so far into our country.

What are we looking at here? Four million encounters with illegal immigrants crossing our southern border in the last 2 years; an amazing amount.

Under President Trump, we had the most secure border we had in years. It wasn't perfect, but strides were being made with the many, many miles of fence that had been put up.

Since the Biden administration kicked in, the effort to continue to build the fence was frozen. We have stacks and stacks of materials lying there, many millions of dollars' worth of materials just laying there in the various spots across the border staged to be completed.

When I visited the Arizona portion, you could see where there were maybe 50 or 100 feet of fence, and there would be an area that would be contained where it would be much, much easier for the Border Patrol to do their jobs and keep whatever problems there are funneled in fewer areas, making their task much simpler to keep track.

Instead, with the deluge of immigrants, really an invasion that is happening, their job is much, much more difficult and less about patrolling the border and more about processing.

Indeed, when I was there, they have vans to go pick people up and bring them even faster to the processing center and then turn them loose in our country.

□ 1145

This is a really backwards policy, and it makes me really wonder whose side is this administration on.

The needs of the American people, or some kind of political gain by having a wide-open border?

I do not understand it. The numbers are huge.

Of course, it is the numbers of people coming across as well as the illegal drugs; the fentanyl. You have heard time and time and time again the stories. I guess the press doesn't really want to report a lot of that; we hear it here and there. But the amount of people being harmed by the fentanyl getting to everything is amazing. Yet, the border remains porous.

The only State doing something about it is Texas. All those States don't really have the rights to do Federal border patrol or closure. They are at least making an effort down there to stem the tide.

We are in a state of crisis along the border. Millions cross every year with no consequence. We expect them maybe to come back for a hearing, if indeed they are eligible for an asylum hearing, but that is really naive.

So there are plenty of tools already in the law to stop it. We don't really need reform on immigration. We need to enforce the rules we have.

Yet, what is the direction we are going?

We are going to see title 42, which is able to make limitations due to the healthcare crisis because of COVID. They want to let that go to the sidelines now, getting rid of title 42.

We already have a crisis. We already have a giant wave coming in. This is just going to exacerbate it. We already have gigantic problems that will be added to by letting title 42 expire.

Every country that is a country has borders and laws on that. Why is the U.S. different now under the Biden administration and under Democrat rule that we are not allowed to enforce our borders?

And indeed, the issue, as you squish the balloon, now we are seeing an effect on the Canadian border, something that hasn't been talked about a lot.

Mexican nationals are finding that it is easier with the backlog we have on the southern border to be able to take a flight up into Canada, because they have lifted most of their restrictions on entry and exit, and come through from Canada into the United States. Those numbers are increasing dramatically.

The data reflects a 91 percent increase from the prior fiscal year, and going higher. So if it is easier to come as a Mexican national through Canada, then that is just going to continue to be a larger problem. But we already have enough to deal with on the southern border; if we would just do the job.

As President Biden said last spring, let's fill the gaps that we have. At least fill just the gaps, if you don't want to make miles and miles of fence. It will make the Border Patrol job much easier. But truly, we need to do the whole job because we are not a sovereign nation if we don't have a border, if we don't enforce it.

Now, we will get called racist. We will get called hateful. Because those are just the standard arguments these days for just about anything.

It is not that. We have a right and an obligation to enforce that and bring people over that want to come legally, with visas. That is the way to do things, not just a wide-open, porous border.

RECESS

The SPEAKER pro tempore (Mr. COSTA). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 48 minutes p.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at noon.

PRAYER

The Chaplain, the Reverend Margaret Grun Kibben, offered the following prayer:

Eternal God, in the words of Thomas Merton, we mourn that ''all over the face of the Earth, the avarice and lust of [humanity] breed unceasing divisions among them, and the wounds that tear [humans] from union with one another widen and open out into huge wars. Murder, massacres, revolution, and hatred . . . ''

Forgive us, O Lord, our proclivity for division and our inclination to allow our desires for power and our unquenched thirst for control, create discord in our families, in our communities, in our country, and among sovereign nations.

We continue to pray for the conflict in Ukraine, and we pray that the dispute for land and dominance would, by some miracle, find resolution. Remind us that such tragedy reflects our fractured human condition and our deep need for Your salvation.

Convict us each of our part in even the smallest of conflicts, that we would set aside our differences and instead strive to maintain the unity found in Your spirit. Then mend the broken bones of our families, our communities, and our country, and heal the wounds in our world.

O Lord, abolish the bow, the sword, and war from our lands, and allow all to lie down this night in safety.

In Your most holy name, we pray.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1 of rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

AMERICA'S ANCHOR, JIM GARDNER

(Ms. DEAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DEAN. Mr. Speaker, for nearly half a century, legendary news anchor Jim Gardner has informed and guided Philadelphia, southeastern Pennsylvania, and south Jersey. Next week, he will retire, and I thank him for his incredible service.

Jim joined Action News in 1976 as a reporter before setting into his iconic role as the 6 and 11 p.m. anchor, becoming the longest-serving on-air personality in our region's history.

As the years changed and trust in our institutions eroded, one journalistic institution stood strong: Jim Gardner.

Philadelphia is a city of neighborhoods, and Jim works with character, generosity, and a deep love of all of his neighbors. He did not hesitate when asked to moderate a free library discussion about our family's book on addiction and recovery.

Jim Gardner has provided stability through uncertainty, from things electoral to environmental, and lift through our joys, like the current Eagles season.

For 45 years, Jim has been our Walter Cronkite with his signature mustache.

We will miss you in our living rooms, Jim, delivering the news with honesty, integrity, and respect. We wish you, America's anchor, a happy retirement. Thank you, Jim.

WELCOMING JULIAN BIDDLE PENDARVIS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, congratulations to congressional foreign policy adviser Stephanie Pendarvis and her husband, Julian Hunter Pendarvis, on the birth of their first child, a boy.

Julian Biddle Pendarvis was born at 2:03 a.m. on Wednesday, December 7, 2022, at Sibley Memorial Hospital in Washington. He weighed 5 pounds, 10.5 ounces, and measured 18.75 inches long.

Stephanie has long been a valued member of the congressional team and has not only been instrumental in getting important policy legislation through the House but a positive influence on the staff and those around her. I know she and her husband will pass those fine qualities to baby Julian.

Additionally, I offer congratulations to the extended Biddle and Pendarvis families on the newest addition to their team.

In conclusion, God bless Ukraine and President Volodymyr Zelenskyy. Putin's Iranian drones attacked yesterday the key district I visited Saturday on a codel. Fortunately, the people of Ukraine have destroyed in the last week 85 percent of Putin's missiles and drones.

REMEMBERING THE SANDY HOOK TRAGEDY

(Ms. GARCIA of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GARCIA of Texas. Mr. Speaker, I rise to recognize the 20 innocent little children and 6 brave teachers who were taken from their families 10 years ago today at Sandy Hook Elementary School.

I truthfully can't even comprehend the immense pain that these families must have felt and continue to feel every day.

I never want another family to experience this type of loss. That is why we must remain committed to ending the gun violence epidemic that plagues our country.

Earlier this year, House Democrats passed the Bipartisan Safer Communities Act, which President Biden swiftly signed into law. It will save lives by funding violence prevention programs at schools, expanding background checks for those under 21 years of age, strengthening mental health resources, and so much more, but the fight is not over.

I promise to continue fighting until we are all saved from gun violence because we owe this to the victims of gun violence, their families, and their children.

We will always put children over the NRA. We will always put people over politics.

RECOGNIZING CHARLIE BOURG

(Mrs. RODGERS of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. RODGERS of Washington. Mr. Speaker, I rise today to recognize Charlie Bourg.

Charlie lives in Chewelah, a small town in northeastern Washington. He is an Army veteran. He served in Vietnam, and he is a fierce advocate for his fellow men and women who have served in the Armed Forces.

Charlie also has terminal cancer. He received the devastating news months ago after a yearlong delay in receiving care from the Spokane VA due to a broken electronic health record system.

This could have been prevented. He should have more time to spend with his wife, Debi, his children, and his grandchildren. My heart breaks for them.

Charlie is here sharing his story this week, and I would like to make him a promise: No matter how long it takes, we will fix this system.

You will be the reason that it never happens again. You will not be forgotten. Matthew 28:11 says, ''Come to me, all you who are weary and carry heavy burdens, and I will give you rest.''

Mr. Speaker, I urge my colleagues to join in recognizing Charlie Bourg. He is an incredible American and an even better husband, father, and grandfather.

RECOGNIZING THE KELLER FAMILY

(Ms. SCANLON asked and was given permission to address the House for 1 minute.)

Ms. SCANLON. Mr. Speaker, I rise today to share the story of an admirable family in my district who has provided decades of service to their friends and neighbors through the U.S. Postal Service.

John Keller worked at the U.S. Postal Service for 34 years, including 15 years as postmaster of the Ridley Park Post Office.

Now retired, his twin sons, Joe and Mike Keller, have worked for the U.S. Postal Service for 23 years each and are now both postmasters in Pennsylvania's Fifth Congressional District.

Our Postal Service is an essential part of our Nation's infrastructure. The Postal Service delivers medicine to veterans, birthday presents from grandma, and, even in this day and age, holiday greetings from friends across the world.

The Postal Service keeps us connected with our communities, families and friends, businesses, nonprofits, and public agencies all over the country, and provides jobs to over 500,000 Americans; 3,000 in Pennsylvania's Fifth District alone.

We are so grateful to the Keller family and to all of our Postal Service workers for everything they do for us every day.

RENEWABLE ENERGY DOESN'T DO THE WHOLE JOB

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, nuclear power, hydropower, biofuels, solar, and wind are all positive sources of energy. They take advantage of available resources and bring high-paying technical jobs to rural areas, especially.

However, forcing people into renewable sources of energy only will not help families immediately heat their homes this winter or next.

Right now, in California, renewable energy accounts for roughly one-third of our power grid, depending on whether or not you count hydroelectric power, which large power plants aren't counted, for some arbitrary reason in our State.

Each summer, we face rolling blackouts throughout the State. Each winter, mountain towns face power shortages due to snowstorms knocking down power lines.

At this moment, natural gas and oil remain by far the most efficient and affordable sources of energy, a fact that the Biden administration must accept.

Renewable energy won't do the whole job. Yet, what are they doing? They are attacking oil and gas, which is based on some idea of CO_2. I remind you that CO_2 is only 0.04 percent of our atmosphere. It is dwarfed by all the others. Even trace gases are about equal.

Yet, we are hell-bent on getting rid of CO_2 and making people unable to use the energy they need, do their jobs, heat their homes, et cetera.

REMEMBERING THE VICTIMS OF SANDY HOOK

(Mrs. HAYES asked and was given permission to address the House for 1 minute.)

Mrs. HAYES. Mr. Speaker, Charlotte Bacon, Daniel Barden, Rachel Davino, Olivia Engel, Josephine Gay, Ana M.

Marquez-Greene, Dylan Hockley, Dawn Hochsprung, Madeleine F. Hsu, Catherine V. Hubbard, Chase Kowalski, Jesse Lewis, James Mattioli, Grace McDonnell, Anne Marie Murphy, Emilie Parker, Jack Pinto, Noah Pozner, Caroline Previdi, Jessica Rekos, Avielle Richman, Lauren Rousseau, Mary Sherlach, Victoria Soto, Benjamin Wheeler, Allison N. Wyatt.

Those are the names of the 20 children and 6 adults who were killed at Sandy Hook 10 years ago today. I want them to know we will never forget them, and we will continue to honor their memory with our action.

HONORING THE LIFE OF BRIAN HYLAND

(Mr. SEMPOLINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEMPOLINSKI. Mr. Speaker, I rise today to honor the life and legacy of the late Chemung County, New York, legislator Brian J. Hyland.

Brian was an extraordinary, talented, kind, and interesting man. He was appointed to the Chemung County Legislature in 2011.

Brian was a dedicated public servant and worked tirelessly to help his constituents. There was no job too big or too small for Legislator Hyland.

Brian was also a teacher and mentor at Tioga Tae Kwon Do in Waverly, New York, where he used more than 60 years in martial arts to teach hundreds of students how to be the best version of themselves.

He was a businessman, a community leader, and, above all else, a family man. His wife, Suzanne, was the love of his life. He took immense pride in his six children, including my legislative director, Tom Hyland. He cared deeply for his sister and helped all those around him to succeed.

Brian will be greatly missed by all who knew him.

HONORING JOE LILES

(Mr. WESTERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTERMAN. Mr. Speaker, I rise today to honor the exemplary work and upcoming retirement of Joe Liles, a law enforcement officer with the Ouachita National Forest.

Joe has faithfully served Arkansas for 30 years, going above and beyond in each mission to loyally serve the people of Arkansas.

Throughout his successful career, Joe received many awards, including the ''Delivering Benefits to the Public'' award at the 2019 Regional Foresters Honor Awards for his heroic efforts in locating and recovering a lost hiker in the Caney Creek Wilderness.

Joe's humble nature and hard-working spirit made him a vital part of the Ouachita National Forest. I speak for all Arkansans when I say thank you for your service and wish you the best in retirement.

□ 1215

CENTRAL UTAH PROJECT

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, this year marks the 30th anniversary of the Central Utah Project Completion Act—an absolute game changer for Utah's water optimization and conservatory efforts.

Our State is the fastest growing economy per capita, and our population will double by 2065. Historic drought is crippling States like Utah, which reminds us that water truly is the lifeblood of the West.

The Central Utah Project plays an integral role in efficient and innovative water use and conservation measures to meet the demands of our booming population and economy.

Since this act became law 30 years ago, the Central Utah Project has ramped up water delivery to 1.5 million Utahns daily. This remarkable accomplishment would not be possible without the tireless work of Utahns.

I am committed to working hand in hand with local, State, and Federal partners to ensure Utah remains on the right track. Congratulations on this remarkable milestone.

INFLATION HURTS

(Mr. MEUSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEUSER. Mr. Speaker, the latest inflation numbers are in. Inflation has increased 7.1 percent in the last year, and in my home State of Pennsylvania, it has increased 12 percent.

Despite the Biden administration celebrating, nobody in my district is celebrating. There is no celebrating when my constituents go to the grocery store, the gas station, and when they pay their home heating bills. They feel this pain every day.

This inflation has primarily been caused by the assault on our domestic energy and excessive government spending. We are now in discussions on our appropriations bill.

Mr. Speaker, not only is the plan to add over 7 percent to compensate for inflation—which was originally created by such excessive spending—we are now going to double down and spend hundreds of billions of dollars in excess of pre-COVID levels. In fact, the Government funding bill being discussed is 25 percent more than prepandemic levels and 10 percent more than last year.

There is no merit to this continued spending spree. It will only further drive inflation and grow our deficit which, in turn, incurs more interest to be paid on our debt. All the while the Fed is increasing interest rates to further burden my constituents and to also dampen our economy.

This is absolutely ''gas backwards'' policy.

CONGRATULATING NATALIE NAVARRETE

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to congratulate the University of Georgia's Natalie Navarrete for being named a 2023 Rhodes Scholar, an honor received by only the most outstanding young minds from around the world.

As many of you know, the Rhodes Scholarship is the oldest and most celebrated international fellowship award in the world. To be recognized with such an honor is synonymous with the qualities typical of the brightest people this country has to offer: hard-working, brilliant, and boundary pushing.

Natalie is no exception. A Morehead Honors College student and foundation fellow at the University of Georgia, Natalie is pursuing degrees in international affairs, Russian, Spanish, and Latin American and Caribbean studies.

She will continue her studies at the University of Oxford in October where she plans to pursue a master's degree in Russian and Eastern European studies. I have no doubt that she will continue to excel in these studies and make important breakthroughs in her field.

I join the entire University of Georgia family in congratulating Natalie on this truly extraordinary achievement. Her success is a testament to world-class opportunities offered by the University of Georgia, and I am confident that she will continue to make us all proud for years to come.

PROVIDING FOR CONSIDERATION OF H.R. 1948, VA EMPLOYEE FAIRNESS ACT OF 2021; PROVIDING FOR CONSIDERATION OF S. 3905, PREVENTING ORGANIZATIONAL CONFLICTS OF INTEREST IN FEDERAL ACQUISITION ACT; PROVIDING FOR CONSIDERATION OF S. 4003, LAW ENFORCEMENT DE-ESCALATION TRAINING ACT OF 2022; PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1437, PROVIDING RESEARCH AND ESTIMATES OF CHANGES IN PRECIPITATION ACT; RELATING TO CONSIDERATION OF SENATE AMENDMENTS TO H.R. 2617, PERFORMANCE ENHANCEMENT REFORM ACT; AND FOR OTHER PURPOSES

Mr. DESAULNIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1518 and ask for its immediate consideration

The Clerk read the resolution, as follows:

H. RES. 1518

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1948) to amend title 38, United States Code, to modify authorities relating to the collective bargaining of employees in the Veterans Health Administration. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–71 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Veterans' Affairs or their respective designees; and (2) one motion to recommit.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (S. 3905) to prevent organizational conflicts of interest in Federal acquisition, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform or their respective designees; and (2) one motion to commit.

SEC. 3. Upon adoption of this resolution it shall be in order to consider in the House the bill (S. 4003) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for training on alternatives to use of force, de-escalation, and mental and behavioral health and suicidal crises. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees; and (2) one motion to commit.

SEC. 4. House Resolution 1516 is hereby adopted.

SEC. 5. (a) At any time through the legislative day of Thursday, December 15, 2022, the Speaker may entertain motions offered by the Majority Leader or a designee that the House suspend the rules as though under clause 1 of rule XV with respect to multiple measures described in subsection (b), and the Chair shall put the question on any such motion without debate or intervening motion.

(b) A measure referred to in subsection (a) includes any measure that was the object of a motion to suspend the rules on the legislative day of December 12, 2022, December 13, 2022, December 14, 2022, or December 15, 2022, in the form as so offered, on which the yeas and nays were ordered and further proceedings postponed pursuant to clause 8 of rule XX.

(c) Upon the offering of a motion pursuant to subsection (a) concerning multiple measures, the ordering of the yeas and nays on postponed motions to suspend the rules with respect to such measures is vacated to the end that all such motions are considered as withdrawn.

SEC. 6. Notwithstanding clause 8 of rule XX, further proceedings on a vote by the yeas and nays on the question of adoption of a motion that the House suspend the rules offered on the legislative day of December 12, 2022 may be postponed through the legislative day of December 15, 2022.

SEC. 7. Upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1437) to amend the Weather Research and Forecasting Innovation Act of 2017 to direct the National Oceanic and Atmospheric Administration to provide comprehensive and regularly updated Federal precipitation information, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or her designee that the House concur in the Senate amendment with an amendment consisting of the text of Rules Committee Print 117–72. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 8. Upon adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill (H.R. 2617) to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes, with the Senate amendments thereto, to have concurred in the Senate amendments numbered 1, 2, 3, and 5, and to have concurred in the Senate amendment numbered 4 with an amendment consisting of the text of Rules Committee Print 117–73.

SEC. 9. House Concurrent Resolution 124 is hereby adopted.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DESAULNIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Pennsylvania (Mr. RESCHENTHALER) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

GENERAL LEAVE

Mr. DESAULNIER. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DESAULNIER. Mr. Speaker, yesterday the Rules Committee met and reported a rule, House Resolution 1518, providing for consideration of four measures.

First, the rule provides for consideration of H.R. 1948 under a closed rule. The rule provides 1 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs and a motion to recommit.

Second, the rule provides for consideration of S. 3905 under a closed rule. The rule provides 1 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform, and a motion to commit.

Third, the rule provides for consideration of S. 4003 under a closed rule. The rule provides 1 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and a motion to commit.

Fourth, the rule provides for consideration of a Senate amendment to H.R. 1437. The rule makes in order a motion offered by the chair of the Committee on Appropriations that the House concur in the Senate amendment with a House amendment and provides 1 hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The rule also deems passage of a motion to concur in the Senate amendments to H.R. 2617 with a House amendment.

The rule further deems passage of H. Con. Res. 124 and H. Res. 1516.

Lastly, the rule provides the majority leader or his designee the ability to en bloc requested roll call votes on suspension bills considered from December 12 to December 15. The rule also provides roll call votes on suspension bills considered on December 12 may be postponed through December 15.

Mr. Speaker, as we come to the end of the 117th Congress, we are working this week to pass legislation that deserves to make it across the finish line before the end of the year.

First, the VA Employee Fairness Act. The healthcare workers at VA medical centers are exceptional at what they do serving our veterans. Many of them are veterans themselves. They deserve the same rights as their counterparts outside of the VA system to collectively bargain.

In today's world, the balance of power is disproportionately skewed towards employers over employees.

□ 1230

As a former union member and a small business owner myself, and as the current chair of the Health, Employment, Labor, and Pensions subcommittee, I can think of no better way to honor these workers and the people they serve, who we all respect and honor, than to provide them the tools to empower them to have a voice in this important American workplace.

From our national security to the regulation of prescription drugs, the Federal Government relies on services of contractors and consultants to provide for the American people. It is critical that we know that these contractors are working in the best interest of the American people.

Unfortunately, the current Federal acquisition process allows bad actors to slip through the cracks without disclosing their potential conflicts of interest.

As a member of the Committee on Oversight and Reform, I am proud of the work that the committee has done to investigate McKinsey & Company for this very reason. This contractor—one of the oldest and most prestigious consulting firms in the world—was advising the FDA on the safety and efficacy of prescription pain medications at the same time the very same consultants were also advising Purdue Pharma on how to ''turbocharge'' sales of OxyContin, a major driver of the opioid epidemic.

While the McKinsey scandal shined a light on organizational conflicts of interest, the issue itself is not new. The Preventing Organizational Conflicts of Interest in Federal Acquisition Act would require Federal contractors to disclose any potential conflicts of interest before they are awarded a Federal contract to ensure they are effectively serving the taxpayers. In the Senate it was bipartisan, and it should pass without objection and without delay.

Also included in today's rule is the Law Enforcement De-Escalation Training Act, which would direct the Department of Justice to develop trainings on alternatives to the use of force and safely to respond to an individual experiencing a mental health, behavioral health, or suicidal crisis. We shouldn't even have to be including this bill in the rule, but unfortunately, partisan politics caused it to need to be reconsidered this week.

On this topic, I am proud that the district I represent is leading the way with an initiative we call A3, anyone, anywhere, anytime. This program connects people in need of mental health support that is outside the police system to help respond to the emergency while simultaneously allowing the police to focus on more appropriate police matters.

This was a long, developed partnership between our behavioral health departments and our local law enforcement, which support it very strongly, and is working to protect the public.

Finally, the rule includes a 1-week continuing resolution. Appropriators are hard at work to come to a year-long agreement over spending, and they need an extra week to finalize it.

Mr. Speaker, we have a wonderful opportunity this week to make transformative changes with these bills.

Mr. Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Mr. Speaker, I thank the distinguished gentleman and my good friend from California for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the rule before us provides for consideration of four pieces of legislation that are, once again, nothing but missed opportunities to address the multiple crises facing our country under the Biden Presidency.

Rather than working with Republicans to actually address the unmitigated crisis at our southern border, to address the cold war we have with China, the proxy war we have with Russia, or the historic levels of inflation, Democrats are rushing to the floor these half-baked legislative items that will create more problems than they aim to solve.

Look no further than S. 3905, the Preventing Organizational Conflicts of Interest in Federal Acquisition Act. Instead of making meaningful reforms to Federal acquisition policy, this legislation is duplicative, and it is contradictory to existing policies. It also tells the Federal Acquisition Regulatory Council to do something that it is already required to do.

Additionally, this rule provides for consideration of H.R. 1948, the VA Employee Fairness Act. This legislation would put veteran patients at risk by shifting questions of professional conduct to collective bargaining.

The Secretary of the VA has been and should continue to be directly accountable for the quality of care provided to our veterans at the VA.

While we are focusing on these unnecessary bills, China has recently signed a $50 billion trade deal with our ally Saudi Arabia; Putin, once again, threatened to launch a nuclear war on the West; and the wealth of the average American has dropped to the lowest level ever recorded.

The chief of the U.S. Border Patrol reported that over the weekend there were over 16,000 migrant encounters at the border—and wait for it—that was in a 48-hour period, 16,000 in less than 2 days, but President Biden hasn't stepped foot on the southern border since he took office.

Last week, when he was not visiting the border while in Arizona, President Joe Biden was asked about that, and his response was ''There are more important things going on.''

Yet, during the administration there have been nearly 5 million illegal immigrant crossings at our southern border, and that includes 1 million gotaways. These are individuals that we have no record of that we just know escaped into the interior of the country.

Yet, Biden has failed at protecting our southern border just as he failed in America's prisoner swap with President Putin. The administration effectively surrendered to Putin by swapping a woke celebrity basketball player for the ''Merchant of Death,'' an international arms smuggler with the blood of Americans on his hands.

This disastrous negotiation is just another failed foreign policy decision that was based on Russia's terms, not ours. This rash decision left two other Americans detained in Russia: Pittsburgh history teacher Marc Fogel, and U.S. Marine Paul Whelan. They have no clear chance of returning home now. We have lost all leverage unless—I am going to be surprised to discover that—we have two ''merchants of death'' in a Federal prison in the U.S. Something tells me that is not the case.

What we should be doing is we should be immediately acting to protect our national security. We should be ensuring the safe return of all Americans that are wrongfully detained abroad. We should be working to secure the southern border. We should not be passing ill-conceived and unnecessary legislation. To be frank, our time is too precious, and our challenges are too great.

Mr. Speaker, for those reasons, I urge my colleagues to oppose this rule, and I reserve the balance of my time.

Mr. DESAULNIER. Mr. Speaker, I include in the RECORD an ABC news piece titled: ''Lawmakers aim to strengthen transparency in the lucrative—and murky—Federal contracting process.''

[From ABC News]

LAWMAKERS AIM TO STRENGTHEN TRANSPARENCY IN THE LUCRATIVE—AND MURKY—FEDERAL, CONTRACTING PROCESS

(By Soo Rin Kim)

A bipartisan coalition of senators introduced legislation on Monday meant to improve transparency in the highly competitive and notoriously murky federal contracting process, taking aim at companies that accept lucrative work from government agencies without having to disclose potential conflicts of interest

The bill, called the Preventing Organizational Conflicts of Interest in Federal Acquisition Act would seek to mitigate conflict-of-interest concerns by forcing contractors to ''disclose other parts of their business that conflict with the work they are bidding to perform for the government,'' according to Sen. Gary Peters, D–Mich., chairman of the Homeland Security and Governmental Affairs Committee.

''If we don't know whether [federal contractors] are serving other, potentially conflicting interest, we can't be confident that Americans are getting exactly what they pay for,'' said Sen. Chuck Grassley, R–Iowa, a cosponsor of the bill.

For many American companies, federal contracts represent a crucial source of revenue, as well as visibility and credibility. Firms from every major business sector compete for this work, and winners often execute their end of the agreement while pursuing outside business opportunities—which sometime overlap with their frederal contracts.

While existing rules stipulate that government agencies assess potential conflicts of interest before determining contract winners, watchdogs say the process remains opaque.

''Based on current federal contract regulations, agencies cannot always discern whether government contractors have business relationships with foreign governments and private entities that could create a conflict of interest,'' said Noah Bookbinder, president of the nonprofit government watchdog group Citizens for Responsibility and Ethics in Washington.

Scott Amey, general counsel for the government ethics watchdog Project on Government Oversight, warned that ''without more guidance, organizational conflicts of interest can result in unfair competitive advantages and biased contract awards—both of which compromise the impartiality of the federal government and the integrity of the contracting process.''

In a press release announcing the new legislation, lawmakers cited reporting in ProPublica that raised conflict-of-interest questions about consulting giant McKinsey & Company's recent work for the Food and Drug Administration. ProPublica reported that in at least one FDA contract, McKinsey allegedly failed to disclose its conflicts of interest with corporate pharmaceutical clients despite its contract with the agency obligating the firm to do so.

According to documents obtained by ProPublica, McKinsey allegedly advised the FDA's drug-regulation division for more than a decade while simultaneously accepting work from major pharmaceutical companies. In some cases, according to ProPublica, McKinsey helped those clients navigate FDA regulations while advising the FDA on how to strengthen regulations for the pharmaceutical industry.

Sen. Maggie Hassan, D–N.H., said McKinsey's handling of its work with the FDA demonstrates ''the danger that conflicts of interest can pose in government contracting.''

''Our bipartisan bill would help ensure that companies that enter into a contract with the government are acting in the best interest of the American people,'' Hassan said.

McKinsey spokesperson Neil Grace told ABC News that McKinsey's consulting work with pharmaceutical companies ''did not create a conflict of interest'' for the firm's work with the FDA because it ''has not advised the FDA on regulatory policy or on specific pharmaceutical products.'' Instead, said Grace, McKinsey's work for the agency ''focused on administrative and operational topics, including improvements to organizational structures, business processes and technology.''

''Given the absence of a conflict of interest, there was no requirement for any McKinsey disclosure,'' Grace said. ''That said, McKinsey's proposals to the FDA frequently mentioned the company's and personnel's experience with the pharmaceutical industry, making the FDA aware of this aspect of McKinsey's work in the field.''

Republican Senator Joni Ernst of Iowa joined Peters, Grassley, and Hassan in sponsoring the federal legislation.

Mr. DESAULNIER. Mr. Speaker, conflicts of interest are not a new issue, but it is clear that more needs to be done by this Congress. The American people ought to have faith that their tax dollars are being spent wisely on contractors who are working in their best interest. This bill will increase impartiality and integrity within the Federal consultant and contractor system.

Mr. Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Mr. Speaker, instead of addressing any of the crises that are actually facing this Nation, House Democrats are allowing the Senate to ram through a huge omnibus spending bill that was written without the input of House Republicans and was written behind closed doors.

In September, House Republicans were very clear in opposition to postponing a government funding fight to the Democrat-controlled lame-duck session. Once again, House Democrats failed to meet the fundamental duty of funding the government despite spending most of the year passing trillions of dollars in wasteful spending that has fueled inflation and driven up our debt.

That is why if we defeat the previous question, I will personally offer an amendment to the rule to immediately strike sections 8 and 9 from the rule, which would strike the omnibus vehicle from this rule.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with any extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RESCHENTHALER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. ROY), to explain the amendment.

Mr. ROY. Mr. Speaker, I appreciate my friend from Pennsylvania, I appreciate the Speaker, and the gentleman from California.

Mr. Speaker, my friend from Pennsylvania and I share a love of outlaw country music, whether it is Texas-based—my preference—or generally. There is a famous picture of Johnny Cash standing up giving his middle finger, and it is on the cover of an album. If all 435 of us stood on the steps of the Capitol with our middle finger to the American people, it would be a more honest action than what we are engaging in here on the floor of the people's House right now.

Let me tell you what is happening right now. In true swamp fashion, what we are about to do is deem as passed a House bill on Federal agency reporting goals with a House amendment to a previously passed Senate amendment to enable us to have a revenue measure—to enable us to give the Senate a revenue measure to satisfy the constitutional requirement that revenue bills originate in the House. The House amendment to a Senate amendment fast-tracks the omnibus by allowing the Senate to bypass a motion to proceed vote.

Now, that is a bunch of complicated, parliamentary procedure gobbledygook for the American people, but what it is is a fraud. It is a fraud.

It is actually trying to end-run the rules in order to jam through what? A massive $1.7 trillion omnibus spending bill without any actual debate. That is what is happening right now on the floor of the House of Representatives, nothing else.

In that $1.7 trillion bill—and pause for a second—what are we actually packaging here? A week-long continuing resolution to keep the government open through this weekend into next week so negotiations can continue to wrap up this $1.7 trillion monstrosity.

So the vote today is a vote to perpetuate and extend funding for a week to allow a $1.7 trillion omnibus spending bill in a lameduck Congress. That has not been done, by the way, in the last 70 years when we have had a flip of the House, a flip in majority control of the House. We have not done that over the last 70 years. In the five times there has been a flip, we do not pass big spending bills in a lameduck Congress, which is what this is. My Democratic colleagues know it; my Democratic colleagues in the Senate know it; and the Senate Republicans who seem to be trying to grease the skids of this, they know it, as well. Here we sit.

So to the American people, you need to understand what the people's House is doing to you today—standing on the steps of the Capitol sticking their middle finger up at you would be more honest because this is defense spending, $858 billion, a 10 percent increase.

We can debate the need for a defense spending increase. Many of us probably would agree we need to have more defense spending, but we also need to fix the Department of Defense. We need to stop having it turn into a woke agency that is essentially social engineering wrapped in a uniform. Let's fix the Department of Defense. No, we are not debating that. We are just going to give another blank check of 10 percent additional spending.

But it is worse than that. We are now going to have nondefense spending reports—we haven't seen the text because, oh, no, the little people here in the House can't see the text before we actually vote on this crap. No, no, no, they are going to jam it through without seeing the text. Nondefense spending—reports indicate somewhere between an 8 to 11 percent increase.

Now, to put that in context, we are talking about something in the order of $50 to $60 billion. Here is the thing, we just spent something like $2 trillion in nondefense discretionary plus-up during COVID, and we are now going to jump into this, and we are going to say, oh, yeah, I have got a good idea. Let's jump up nondefense discretionary spending. That is all of the alphabet soup of all of the agencies that are attacking the American people every single day, empowering the FBI to designate parents as domestic terrorists, empowering the DHS to not actually secure the homeland while Americans are dying from fentanyl poisoning and immigrants are burning up 53 of them in a tractor trailer in San Antonio.

That is what we are dealing with. This CR is the gateway drug to an omnibus spending bill next week. That is why we should oppose it. We should oppose the CR, we should oppose this rule, and we should oppose the omnibus.

The American people deserve a House of Representatives that is actually doing the work of appropriating rather than jamming through an omnibus bill right before Christmas in a lameduck session after the American people spoke and sent a new majority to the people's House.

Mr. DESAULNIER. Mr. Speaker, first of all, my good friend from Pennsylvania and the gentleman from Texas—you know, I am always open to working on these sometimes difficult rules that we have in our Congress. I respect the opinion, but I have a different perspective. What we are doing today is keeping the lights on.

With all due respect, the last time the Republicans were in charge of the Congress the lights went off. That is not good for anyone. It is not good for the American people, and it is not good for the world economy.

□ 1245

What we are trying to do here in the House is make it a little bit easier for the arcane rules that, I think, most of us would agree to in the Senate to make it easier for the bill to come back over and, hopefully, have an agreement, a bipartisan agreement, on longer spending in an omnibus.

With all due respect, we have something that we have here in these Chambers: a disagreement. The tone, I think you can tell, of my voice is very different. But I do think the things that both gentlemen have brought up are real issues.

Immigration is a real issue. We have tried, many of us, to come up with something that is bipartisan that leads to solutions to a difficult situation that multiple administrations and Congresses have struggled for; that has a long history in this country when it comes to immigration, the benefit and the challenges around that; and being able to make sure that the beneficiaries of immigration are consistent with treaties that we have signed around the world, and principles, but also to American citizens.

On the other issues, those are all real issues. What we have here in front of us today in these resolutions are laws that will actually help the American people, too, and, lastly, will continue to keep the lights on by funding government.

Mr. Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I really can't stand the cliche that history repeats itself, but that is true. To prove that, let me just read some excerpts from a Joe Biden speech from 2006. Joe Biden said: ''The world is going to Hades in a handbasket. We are desperately concerned about the circumstance relating to the avian flu. We do not have enough vaccines. We do not have enough police officers. And we are going to debate, the next 3 weeks, I am told, gay marriage, a flag amendment, and God only knows what else. I can't believe the American people can't see through this. We already have a law, the Defense of Marriage Act. We all voted.''

That was Joe Biden in 2006. It sounds awfully familiar to what my colleagues across the aisle are doing now with these fluff bills, bills that are already on the books and nothing but a distraction from the real crises that are facing this Nation.

To talk more about that, I yield 5 minutes to the gentleman from Texas (Mr. ROY), my good friend.

Mr. ROY. Mr. Speaker, I understand the collegiality of the body and wanting to engage. I am happy to engage. We just never get a chance to engage.

We are down here, basically, in a fake debate. That is what we all know. I mean, the truth is it is not like we have a body, a Chamber filled here with human beings debating this $1.7 trillion while we are $32 trillion in debt. I would be happy to.

Why don't we actually roll up our sleeves around these tables and do the work? But we don't do that.

We are literally down here, and we are going to do—what?—30 minutes a side, if we even do that, and then we are going to vote. We are going to vote on a rule that packages together, as I said, deeming as passed a House bill on Federal agency reporting goals with a House amendment to a previously passed Senate amendment to pass a $1.7 trillion omnibus, combined with a CR for an extension for a week, in a lame-duck Congress. That is the truth.

The American people pull their hair out. They go, gosh, what on Earth is happening in Washington?

Well, I will tell them what is happening in Washington. This, this is what is happening in Washington.

We know what this is about. This is jamming through a bill at the eleventh hour to get the political priorities of the current Democratic majority, and a handful of Senate Republicans are happy to do it so they can get pork.

The House and the Senate have requested a total of $16 billion for 7,500 earmarks. The top requester: Senator RICHARD SHELBY, ranking member of Senate Appropriations, with $656 million. This is a nice little send-off for the appropriators in the Senate.

But the fact of the matter is the American people are the ones who get screwed in this deal. They are the ones who end up losing their country with $32 trillion in debt.

There is no justification for ramping up spending an additional 10 percent for nondefense discretionary after all the money that has been spent under COVID and using the Defense Department as the backs upon which you are going to place the debt of our children and grandchildren and say that, ''Oh, yes, we are doing this for defense.'' That is just wrong.

At what point are we actually going to do the work of the American people in the people's House? At what point are we going to actually debate? At what point are we actually going to amend? At what point are we actually going to live within our means and stop writing checks we can't cash?

The American people are staring at us. They throw their hands up in the air and wonder what has become of the country that their brothers and sisters and dads and moms and daughters and sons have fought for.

Why do we stand in front of that flag? Why do we open in prayer? Why do we say the Pledge of Allegiance if we are going to rip apart the flag right here in this body, in this Chamber? Because that is what we are doing, using backroom deals, dropping these bills on the floor, and not allowing us to actually engage in debate over these important matters.

The American people are tired of spending money we don't have, and they are tired of open borders. They are tired of empowering bureaucrats like the FBI. They are tired of forced vaccine mandates at the Department of Defense. They are tired of an IRS harassing the American people, allegedly, for more revenue. They are tired of an NIH and a CDC making it up as they go along and shutting down economies and jamming it down the throats of the American people. They are tired of an EPA and a Department of the Interior restricting Americans' ability to have reliable energy. The American people are tired of it.

I hope help is on the way. I am glad the Republicans seem united against this in the House, and I am looking at MITCH MCCONNELL when I say this: Do your job, Leader MCCONNELL. Do your job, and follow the wishes of the American people, who gave a majority to Republicans in the House of Representatives. Let's stop this bill.

Mr. DESAULNIER. Mr. Speaker, I yield myself such time as I may consume.

We are not talking about the Federal budget in its entirety today. That will continue to be negotiated and debated, and there will be a vote on it.

What we are talking about are specific resolutions that the Committee on Rules has passed down here to this body to talk about protecting workers who protect veterans. That is what we are talking about today. We are talking about improving healthcare for America's veterans that we all say we respect, admire, and honor.

We know that when people are able to organize in the workplace, or at least to present the opportunity, they are safer. Research shows that hospitals that have had the ability for workers and nurses to organize and have a fair say in how they treat their patients, that mortality rates improve, that people are served better. That is what we are talking about today.

We are talking about giving police departments the resources they need in the world today so that behavioral health people can do their job, so that police officers can do their job and not respond to almost one in four calls in the United States that involve mental health, where the police officers are asked to do something that they shouldn't be asked to do.

As I mentioned in my opening comments, I have spent 30 years involved in my own district—from a mayor of a city of 130,000 people, to the legislature, to this body—developing programs with the police department in behavioral health, which started with a conversation with a beat patrolman and a mental health clinician. All it is about is improving the safety of Americans. That is what we are talking about here.

We are talking about helping with the opioid crisis. I haven't heard anything from the gentleman about the things that are actually in this rule.

Do we want to help people with the high mortality and suicide crisis in opioids that we know now, from the hearings that we have had, that the chair and I have asked for in the Committee on Oversight?

We brought the CEOs of the largest corporation, Johnson & Johnson, to testify in front of Congress about what they did at what used to be a great American pharmaceutical company that once had one of the most admired CEOs in the world and now has somebody who has lied on his college resume twice and has helped to kill Americans by deliberately turbocharging the sale of opioids to Americans.

That is what we are talking about in this rule, holding people accountable.

McKinsey & Company, a company that was based in San Francisco for years—I have known people who lived in my district and worked there. It once was a shining light of American innovation and management. Now, it has fallen to this epitome of greed and hypocrisy. That is what we are talking about, stopping that kind of behavior, in this rule.

We are talking about keeping the lights on in the United States Congress, and the Federal Government, for 1 week so that we can have an omnibus, and then we can debate those other things.

Do I agree that the process is not perfect? I agree. Do I agree we could do better? I agree, and I am open to those things. But let's focus on what is in this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Mr. Speaker, I yield myself such time as I may consume.

Once again, this rule provides for four pieces of legislation that, once again, are just missed opportunities to actually address the problems we are facing.

Let's talk about one of the biggest problems, and that is the southern border. To contextualize this, let me give you some stats. This year, 98 suspected terrorists have been apprehended attempting to cross the southern border. Think about that.

It took 19 hijackers on 9/11 to pull off the largest terrorist attack in this country. In this year alone, we have let 98 suspected terrorists walk across the southern border.

In October, there were over 230,000 illegal immigrant encounters at the southern border. That is just in October. To put that into context, that is a 334 percent increase from the average number of October encounters under President Trump.

In November, there were more than 70,000 known got-aways at the southern border. That is a historic record.

What is really worse is the fentanyl crisis, the fentanyl that is coming across the southern border. There were more than 14,000 pounds of illicit fentanyl seized in fiscal year 2022. That is a record.

As a reminder, a lethal dose of fentanyl is only 2 milligrams. Fentanyl was responsible for two-thirds of all drug overdoses last year.

There has been a 94 percent increase in fentanyl deaths since 2019. To put that into more context, that is one fentanyl overdose every 7 minutes in the United States.

Just 5 to 10 percent of the drugs coming across the southern border are seized by our Border Patrol agents.

What does the administration say on this? It is classic gaslighting. I will quote Joe Biden once again. He said, ''There are more important things going on.'' Kamala Harris, the so-called border czar, said the border is secure. DHS Secretary Mayorkas said, look, the border is secure.

They are either gaslighting, or they have no connection and no grounding in reality.

As far as the omnibus, let's just go back to September. In September, House Democrats were clear in their opposition to postponing a government funding fight to the Democrat-controlled lame-duck session. We didn't want it then; we don't want it now.

Unfortunately, on September 30, a continuing resolution was passed funding the government through December 16. So, here we are today.

This 1-week continuing resolution is an attempt to buy additional time for a massive lame-duck spending bill in which House Republicans had no seat at the negotiating table.

We will soon be in the majority. Republicans will soon be in the majority. We will be in the driver's seat to fight for our priorities. That is why every Republican should be a ''no'' on the Democrats' lame-duck omnibus spending bill.

To talk more about the omnibus, I yield 4 minutes to the gentleman from Texas (Mr. ROY).

Mr. ROY. Mr. Speaker, the gentleman from California talked about the extent to which the process is bad and that we can do better. Well, I am glad that he agrees with that.

The question is, well, let's agree right now to amend the CR to March. Why don't we do that? Why don't we agree right now to amend the continuing resolution until March?

Well, we know why my Democratic colleagues don't want to do that, right? They don't want to have a full-throated debate on this. They don't want to have an actual discussion.

Why don't we have an open process? Why don't we actually have amendments here on the floor of the House? We haven't been able to offer an amendment on the floor of the House of Representatives since May 2016.

But the gentleman from California knows this. My colleagues on the other side of the aisle know this. This isn't about actually saying let's have a process that works. It is the opposite. It is using Christmas and the end of the year to jam this through, not to buy time with a 1-week CR so we can negotiate.

Who is negotiating? Three people in a room? We are not. We are not debating this on the floor. We are not going to do it in the light of day. No. What is going to happen is one big bill will be dropped on the floor after this rule is jammed through, on the 23rd of December, 2 days before Christmas, intentionally, right before Christmas, in order to force everybody to come in, with no amendments, to vote up or down on $1.7 trillion.

How on Earth did we end up $32 trillion in debt? That is how, and there is no actual resolve to do anything about that.

Again, control of the House of Representatives has shifted from one party to the other five times since 1954. In none of those years have we had the outgoing Congress pass a comprehensive spending bill in the lame duck that is after the election. We shouldn't do it now. We shouldn't do it in the future.

One last point: If there is a debate in the Senate right now and some of our Senate colleagues decide to object to the continuing resolution, which I would support, which would then call into question the funding on Saturday, when we wake up, let's be very clear that it is Democrats who would be risking shutting down the government because they are so married to funding the alphabet soup of the bureaucracy throughout this town that is strangling the American people, strangling prosperity, spending money we don't have, refusing to secure the border, empowering FBI agents to go after the American people. Those are the priorities of my Democratic colleagues.

If there is any debate on Saturday as to whether the lights are going to be turned on in the government, it is on the hands of Democrats married to a bureaucracy rather than standing up in defense of the American people who send us here.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President or the Vice President.

□ 1300

Mr. RESCHENTHALER. Mr. Speaker, I yield myself the balance of my time for closing.

Lives are being lost while President Biden and Congressional Democrats continue to ignore the crisis at our southern border. Tragically, just last week, on December 7, United States Border Patrol Agent Raul Humberto Gonzalez, Jr., was killed while chasing a group of migrants across the border.

To go back to that quote from President Biden about the southern border and about why he hasn't visited, despite the fact that he was just in Arizona, ''There are more important things going on.'' That is what President Biden has to say; stinging words given the deaths and casualties that we are seeing at the southern border and the fentanyl deaths and overdoses in the interior of this country.

It is absolutely maddening to see such a flagrant disregard not only for our hardworking Border Patrol agents but our Nation's immigration system as a whole. For that reason, we must bring the border crisis to an end.

But President Joe Biden and Congressional Democrats have manufactured this historic crisis on our southern border by halting the construction of the border wall, ending Trump's remain in Mexico policy, and refusing to visit the border.

U.S. Border Patrol facilities are becoming overrun with thousands of illegal immigrants in custody. This crisis is only getting worse. On December 21, title 42 ends, a powerful tool that allowed border officials to expel more than 2 million migrants during the pandemic. There now have been 20 straight months of over 150,000 illegal border crossings.

Yet, with today's rule, House Democrats continue to ignore this historic disaster at our border. This crisis could not be more devastating to the sovereignty and the security of our Nation.

Mr. Speaker, for those reasons, I urge my colleagues to vote ''no'' on the rule, and I yield back the balance of my time.

Mr. DESAULNIER. Mr. Speaker, I yield myself the balance of my time for closing.

Mr. Speaker, let me say that I always enjoy being on the floor and debating my friend from Pennsylvania. I will miss this if I am not afforded the opportunity to do it again.

Mr. Speaker, again, focusing on the rule here. First in this rule, we are helping veterans. We are helping the people who serve veterans to be able to organize.

One of my favorite quotes on the ability of workers to have a voice is from Dwight David Eisenhower, who said, Only a fool would try to stop an American man or woman in the workplace from organizing.

So that is the first point, helping people to have a voice in the VA to serve our veterans better.

The second point is on holding McKinsey & Company, a very large corporation, American company, accountable for their role in the opioid epidemic.

Third in the rule is helping our investment in public safety, a bipartisan effort that came out of the Senate, to help provide them to de-escalate when they are in a difficult situation.

Lastly, we are here to keep the lights on.

Mr. Speaker, while I appreciate the debate and the passion, we do have work to do today, and I would request and ask Democrats and Republicans to vote ''yes'' on this rule.

This rule is an important step in passing these bills that will make a difference in the lives of the Americans that we represent and help restore faith in this institution and the government.

Mr. Speaker, I strongly support the legislation, and I urge a ''yes'' vote on the rule and the previous question.

The material previously referred to by Mr. RESCHENTHALER is as follows:

AMENDMENT TO HOUSE RESOLUTION 1518

Strike sections 8 and 9.

Mr. DESAULNIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RESCHENTHALER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adoption of the resolution, if ordered;

The motion to recommit on H.R. 3648;

Passage of H.R. 3648, if ordered; and

An en bloc motion to suspend the rules, if ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 210, not voting 8, as follows:

[Roll No. 520]

YEAS—212

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Peltola
Perlmutter
Peters
Phillips
Pingree
Pocan
Pressley
Price (NC)
Quigley
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (NY)
Ryan (OH)
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—210

Aderholt
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cline
Cloud
Clyde
Cole
Comer
Conway
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Flood
Flores
Foxx
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kinzinger
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Obernolte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sempolinski
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman

Williams (TX)
Wilson (SC)
Wittman
Womack
Yakym
Zeldin

NOT VOTING—8

Bush
Carter (LA)
Cheney
Green (TN)
Hinson
Lee (NV)
Porter
Raskin

□ 1347

Mr. BUDD, Ms. TENNEY, and Mr. COMER changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mrs. LEE of Nevada. Mr. Speaker, had I been present, I would have voted "yea" on rollcall No. 520.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Axne (Pappas)
Beatty (Neguse)
Boebert (Gaetz)
Brooks (Moore (AL))
Brown (MD) (Evans)
Cawthorn (Gaetz)
Cherfilus-McCormick (Brown (OH))
Cicilline (Jayapal)
Clyburn (Butterfield)
DeFazio (Pallone)
Dingell (Pappas)
Doyle, Michael F. (Evans)
Dunn (Salazar)
Escobar (Garcia (TX))
Espaillat (Correa)
Gosar (Weber (TX))
Jacobs (NY) (Sempolinski)
Johnson (TX) (Pallone)
Kelly (IL) (Horsford)
Kim (NJ) (Pallone)
Kirkpatrick (Pallone)
Krishnamoorthi (Pappas)
Larson (CT) (Pappas)
Lawson (FL) (Evans)
Levin (CA) (Huffman)
Meeks (Horsford)
Newman (Correa)
Norcross (Pallone)
Ocasio-Cortez (Tlaib)
O'Halleran (Pappas)
Palazzo (Fleischmann)
Pascrell (Pallone)
Payne (Pallone)
Pressley (Neguse)
Rice (SC) (Weber (TX))
Rush (Beyer)
Sewell (DelBene)
Simpson (Fulcher)
Sires (Pallone)
Speier (Garcia (TX))
Stevens (Craig)
Strickland (Correa)
Tiffany (Fitzgerald)
Titus (Pallone)
Welch (Pallone)

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RESCHENTHALER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 206, not voting 8, as follows:

[Roll No. 521]

YEAS—216

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Peltola
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (NY)
Ryan (OH)
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—206

Aderholt
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Buchanan
Buck
Bucshon
Burchett
Burgess
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cline
Cloud
Clyde
Cole
Comer
Conway
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Flood
Flores
Foxx
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kinzinger
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Obernolte
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sempolinski
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Yakym
Zeldin

NOT VOTING—8

Brooks
Budd
Carter (LA)
Cheney
Green (TN)
Hinson
Moore (AL)
Owens

□ 1404

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Axne (Pappas)
Beatty (Neguse)
Boebert (Gaetz)
Brown (MD) (Evans)
Cawthorn (Gaetz)
Cherfilus-McCormick (Brown (OH))
Cicilline (Jayapal)
Clyburn (Butterfield)
DeFazio (Pallone)
Dingell (Pappas)
Doyle, Michael F. (Evans)
Dunn (Salazar)
Escobar (Garcia (TX))
Espaillat (Correa)
Gosar (Weber (TX))
Jacobs (NY) (Sempolinski)
Johnson (TX) (Pallone)
Kelly (IL) (Horsford)
Kim (NJ) (Pallone)
Kirkpatrick (Pallone)
Krishnamoorthi (Pappas)
Larson (CT) (Pappas)
Lawson (FL) (Evans)
Levin (CA) (Huffman)
Meeks (Horsford)
Newman (Correa)
Norcross (Pallone)
Ocasio-Cortez (Tlaib)
O'Halleran (Pappas)
Palazzo (Fleischmann)
Pascrell (Pallone)
Payne (Pallone)
Porter (Beyer)
Pressley (Neguse)
Rice (SC) (Weber (TX))
Rush (Beyer)
Sewell (DelBene)
Simpson (Fulcher)
Sires (Pallone)
Speier (Garcia (TX))
Stevens (Craig)
Strickland (Correa)
Tiffany (Fitzgerald)
Titus (Pallone)
Welch (Pallone)

APPROVAL OF REGULATIONS RELATING TO FAMILY AND MEDICAL LEAVE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1518, H. Res. 1516 is considered adopted.

The text of the resolution is as follows:

H. RES. 1516

Resolved,

SECTION 1. APPROVAL OF REGULATIONS RELATING TO FAMILY AND MEDICAL LEAVE ACT.

(a) IN GENERAL.—The regulations described in subsection (b) are hereby approved, insofar as such regulations apply to covered employees of the House of Representatives under the Congressional Accountability Act of 1995 and to the extent such regulations are consistent with the provisions of such Act.

(b) REGULATIONS APPROVED.—The regulations described in this subsection are the regulations issued by the Office of Congressional Workplace Rights on December 7, 2021, under section 202(e) of the Congressional Accountability Act of 1995 to implement section 202 of such Act (relating to the application of sections 101 through 105 of the Family and Medical Leave Act of 1993), as published in the Congressional Record on December 7, 2021 (Volume 167, daily edition) on pages H7230 through H7258, and stated as follows:

"§ 825.1 Purpose and scope

''(a) Section 202 of the Congressional Accountability Act (CAA) (2 U.S.C. 1312) applies the rights and protections of sections 101 through 105 of the Family and Medical Leave Act of 1993 (FMLA) (29 U.S.C. 2611–2615) to covered employees. (The term 'covered employee' is defined in section 101(3) of the CAA (2 U.S.C. 1301(3)). See 825.102 of these regulations for that definition.) The purpose of this part is to set forth the regulations to carry out the provisions of section 202 of the CAA.

''(b) These regulations are issued by the Board of Directors (Board) of the Office of Congressional Workplace Rights, pursuant to sections 202(d) and 304 of the CAA, which direct the Board to promulgate regulations implementing section 202 that are 'the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) 【of section 202 of the CAA】 except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'. The regulations issued by the Board herein are on all matters for which section 202 of the CAA requires regulations to be issued. Specifically, it is the Board's considered judgment, based on the information available to it at the time of the promulgation of these regulations, that, with the exception of regulations adopted and set forth herein, there are no other 'substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) 【of section 202 of the CAA】.'.

''(c) On December 20, 2019, Congress enacted the Federal Employee Paid Leave Act (subtitle A of title LXXVI of division F of the National Defense Authorization Act for Fiscal Year 2020, Public Law 116–92, December 20, 2019) (FEPLA). FEPLA amended the FMLA to allow most Federal employees, including eligible employees in the legislative branch, to substitute up to 12 weeks of paid parental leave (PPL) for unpaid FMLA leave granted in connection with the birth of an employee's son or daughter or for the placement of a son or daughter with an employee for adoption or foster care.

In order to implement FEPLA in the legislative branch, the Board is amending its substantive FMLA regulations pursuant to the CAA rulemaking procedures set forth at sections 202(d) and 304 of the CAA. The Secretary of Labor has not promulgated FEPLA regulations, however, because FEPLA does not extend PPL to private sector employees or other employees directly covered by FMLA title I. The Board has determined that these circumstances constitute good cause for modification of its substantive FMLA regulations in order to effectively implement FEPLA's rights and protections to covered employees in the legislative branch.

''(d) In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Secretary. Such changes are intended to make the provisions adopted accord more naturally to situations in the legislative branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Secretary from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulation or of the statutory provisions of the CAA upon which they are based.

''(e) Pursuant to section 304(b)(4) of the CAA, (2 U.S.C. 1384(b)(4)), the Board of Directors is required to recommend to Congress a method of approval for these regulations. As the Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, it therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

"Subpart A—Coverage Under The Family And Medical Leave Act, As Made Applicable By The Congressional Accountability Act

"§ 825.100 The Family and Medical Leave Act

''(a) The Family and Medical Leave Act of 1993 (FMLA), as made applicable by the Congressional Accountability Act (CAA), allows eligible employees of an employing office to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks in any 12 months (See 825.200(b)) because of the birth of a child and to care for the newborn child, because of the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition, because the employee's own serious health condition makes the employee unable to perform the functions of his or her job, or because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty). In addition, eligible employees of a covered employing office may take job-protected, unpaid leave, or substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 26 workweeks in a single 12–month period to care for a covered servicemember with a serious injury or illness. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

''(b) An employee on FMLA leave is also entitled to have health benefits maintained while on leave as if the employee had continued to work instead of taking the leave. If an employee was paying all or part of the premium payments prior to leave, the employee would continue to pay his or her share during the leave period. Subject to 825.208(k), the employing office or a disbursing or other financial office may recover its share only if the employee does not return to work for a reason other than the serious health condition of the employee or the employee's covered family member, the serious injury or illness of a covered servicemember, or another reason beyond the employee's control.

''(c) An employee generally has a right to return to the same position or an equivalent position with equivalent pay, benefits, and working conditions at the conclusion of the leave. The taking of FMLA leave cannot result in the loss of any benefit that accrued prior to the start of the leave.

''(d) The employing office generally has a right to advance notice from the employee. In addition, the employing office may require an employee to submit certification to substantiate that the leave is due to the serious health condition of the employee or the employee's covered family member, due to the serious injury or illness of a covered servicemember, or because of a qualifying exigency. Failure to comply with these requirements may result in a delay in the start of FMLA leave. Pursuant to a uniformly applied policy, the employing office may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition (See 825.312 and 825.313)). The employing office may delay restoring the employee to employment without such certificate relating to the health condition which caused the employee's absence.

"§ 825.101 Purpose of the FMLA

''(a) FMLA is intended to allow employees to balance their work and family life by taking reasonable unpaid leave for medical reasons, for the birth or adoption of a child, for the care of a child, spouse, or parent who has a serious health condition, for the care of a covered servicemember with a serious injury or illness, or because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status. The FMLA is intended to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. It was intended that the FMLA accomplish these purposes in a manner that accommodates the legitimate interests of employing offices, and in a manner consistent with the Equal Protection Clause of the Fourteenth Amendment in minimizing the potential for employment discrimination on the basis of sex, while promoting equal employment opportunity for men and women.

''(b) The FMLA was predicated on two fundamental concerns—the needs of the American workforce, and the development of high-performance organizations. Increasingly, America's children and elderly are dependent upon family members who must spend long hours at work. When a family emergency arises, requiring workers to attend to seriously-ill children or parents, or to newly-born or adopted infants, or even to their own serious illness, workers need reassurance that they will not be asked to choose between continuing their employment, and meeting their personal and family obligations or tending to vital needs at home.

''(c) The FMLA is both intended and expected to benefit employing offices as well as their employees. A direct correlation exists between stability in the family and productivity in the workplace. FMLA will encourage the development of high-performance organizations. When workers can count on durable links to their workplace they are able to make their own full commitments to their jobs. The record of hearings on family and medical leave indicate the powerful productive advantages of stable workplace relationships, and the comparatively small costs of guaranteeing that those relationships will not be dissolved while workers attend to pressing family health obligations or their own serious illness.

"§ 825.102 Definitions

''For purposes of this part:

''(1) *ADA* means the Americans with Disabilities Act (42 U.S.C. 12101 et seq., as amended), as made applicable by the Congressional Accountability Act.

''(2) *Birth* means the delivery of a child. When the term 'birth' under this subpart is used in connection with the use of leave before birth, it refers to an anticipated birth.

''(3) *CAA* means the Congressional Accountability Act of 1995 (Pub. Law 104–1, 109 Stat. 3, 2 U.S.C. 1301 et seq., as amended).

''(4) *COBRA* means the continuation coverage requirements of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1986 (Pub. Law 99–272, title X, section 10002; 100 Stat. 227; 29 U.S.C. 1161–1168).

''(5) *Contingency operation* means a military operation that:

''(A) Is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

''(B) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10 of the United States Code, chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress. See also 825.126(a)(2).

''(6) *Continuing treatment by a health care provider* means any one of the following:

''(A) *Incapacity and treatment.* A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

''(i) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

''(ii) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

''(iii) The requirement in paragraphs (i) and (ii) of this definition for treatment by a health care provider means an in-person visit to a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity.

''(iv) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

''(v) The term 'extenuating circumstances' in paragraph (i) means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. See also 825.115(a)(5).

''(B) *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy, or for prenatal care. See also 825.120.

''(C) *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

''(i) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

''(ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

''(iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

''(D) *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

''(E) *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

''(i) Restorative surgery after an accident or other injury; or

''(ii) A condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

''(F) Absences attributable to incapacity under paragraphs (A) or (B) of this definition qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

''(7) *Covered active duty or call to covered active duty status* means:

''(A) In the case of a member of the Regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and,

''(B) In the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to: Section 688 of Title 10 of the United States Code, which authorizes ordering to active duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service; Section 12301(a) of Title 10 of the United States Code, which authorizes ordering all reserve component members to active duty in the case of war or national emergency; Section 12302 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty; Section 12304 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty; Section 12305 of Title 10 of the United States Code, which authorizes the suspension of promotion, retirement or separation rules for certain Reserve components; Section 12406 of Title 10 of the United States Code, which authorizes calling the National Guard into Federal service in certain circumstances; chapter 15 of Title 10 of the United States Code, which authorizes calling the National Guard and State military into Federal service in the case of insurrections and national emergencies; or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation. See 10 U.S.C. 101(a)(13)(B). See also 825.126(a).

''(8) *Covered employee* as defined in the CAA, means any employee of—(1) the House of Representatives; (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Congressional Workplace Rights; (9) the Library of Congress; (10) the Stennis Center for Public Service; (11) the Office of Technology Assessment; (12) the China Review Commission; (13) the Congressional Executive China Commission; (14) the Helsinki Commission; or (15) the United States Commission on International Religious Freedom.

''(9) *Covered servicemember* means:

''(A) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or

''(B) A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

''(10) *Covered veteran* means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. See 825.127(b)(2).

''(11) *Eligible employee* as defined in the CAA, means:

''(A) For purposes of leave under subparagraphs (a)(1) or (a)(2) of section 825.112 【or subsections (A) or (B) of section 102(a)(1) of the FMLA】, a covered employee as defined in the CAA.

''(B) For purposes of leave under subparagraphs (a)(3)–(6) of section 825.112 【or subsections (C)–(F) of section 102(a)(1) of the FMLA】, a covered employee who has been employed for a total of at least 12 months in any employing office on the date on which any FMLA leave is to commence, except that an employing office need not consider any period of previous employment that occurred more than seven years before the date of the most recent hiring of the employee, unless:

''(i) The break in service is occasioned by the fulfillment of the employee's Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., covered service obligation (the period of absence from work due to or necessitated by USERRA-covered service must be also counted in determining whether the employee has been employed for at least 12 months by any employing office, but this section does not provide any greater entitlement to the employee than would be available under the USERRA, as made applicable by the CAA); or

''(ii) A written agreement, including a collective bargaining agreement, exists concerning the employing office's intention to rehire the employee after the break in service (e.g., for purposes of the employee furthering his or her education or for childrearing purposes); and

''(C) Who, on the date on which any FMLA leave is to commence, has met the hours of service requirement by having been employed for at least 1,250 hours of service with an employing office during the previous 12–month period, except that:

''(i) An employee returning from fulfilling his or her USERRA-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service in determining whether the employee met the hours of service requirement (accordingly, a person reemployed following absence from work due to or necessitated by USERRA-covered service has the hours that would have been worked for the employing office added to any hours actually worked during the previous 12–month period to meet the hours of service requirement);

''(ii) To determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations; and

''(iii) Any service on active duty (as defined in 29 U.S.C. 2611(14)) by a covered employee who is a member of the National Guard or Reserves shall be counted as time during which such employee has been employed in an employing office for purposes of subparagraph (C) of this section.

''(12) *Employ* means to suffer or permit to work.

''(13) *Employee* means an employee as defined by the CAA and includes an applicant for employment and a former employee.

''(14) *Employee employed in an instructional capacity*. See the definition of Teacher in this section.

''(15) *Employee of the Capitol Police* means any member or officer of the Capitol Police.

''(16) *Employee of the House of Representatives* means an individual occupying a position the pay for which is disbursed by the Chief Administrative Officer of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the Members' Representational Allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (9) under the definition of covered employee above.

''(17) *Employee of the Office of the Architect of the Capitol* means any employee of the Office of the Architect of the Capitol or the Botanic Garden.

''(18) *Employee of the Senate* means any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (9) under the definition of covered employee above.

''(19) *Employing Office*, as defined by the CAA, means:

''(A) The personal office of a Member of the House of Representatives or of a Senator;

''(B) A committee of the House of Representatives or the Senate or a joint committee;

''(C) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

''(D) The Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Congressional Workplace Rights, the Library of Congress, the Stennis Center for Public Service, the Office of Technology Assessment, the United States Commission on International Religious Freedom, the China Review Commission, the Congressional Executive China Commission, and the Helsinki Commission.

''(20) *Employment benefits* means all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office or through an employee benefit plan. The term does not include non-employment related obligations paid by employees through voluntary deductions such as supplemental insurance coverage. See also 825.209(a).

''(21) *Family and medical leave* means an employee's entitlement of up to 12 workweeks (or 26 workweeks in the case of leave under 825.127) of unpaid leave for certain family and medical needs, as prescribed under the FMLA, as made applicable by the CAA.

''(22) *FLSA* means the Fair Labor Standards Act (29 U.S.C. 201 et seq.), as made applicable by the CAA.

''(23) *FMLA* means the Family and Medical Leave Act of 1993, Public Law 103–3 (February 5, 1993), 107 Stat. 6 (29 U.S.C. 2601 et seq., as amended), as made applicable by the CAA.

''(24) *Group health plan* means the Federal Employees Health Benefits Program and any other plan of, or contributed to by, an employing office (including a self-insured plan) to provide health care (directly or otherwise) to the employing office's employees, former employees, or the families of such employees or former employees. For purposes of FMLA, as made applicable by the CAA, the term group health plan shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that:

''(A) No contributions are made by the employing office;

''(B) Participation in the program is completely voluntary for employees;

''(C) The sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

''(D) The employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and

''(E) The premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

''(25) *Health care provider* means:

''(A) The FMLA, as made applicable by the CAA, defines health care provider as:

''(i) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

''(ii) Any other person determined by the Department of Labor to be capable of providing health care services.

''(B) Others 'capable of providing health care services' include only:

''(i) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

''(ii) Nurse practitioners, nurse-midwives and clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

''(iii) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employing office that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;

''(iv) Any health care provider from whom an employing office or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

''(v) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

''(C) The phrase 'authorized to practice in the State' as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

''(26) *Incapable of self-care* means that the individual requires active assistance or supervision to provide daily self-care in several of the 'activities of daily living' (ADLs) or 'instrumental activities of daily living' (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

''(27) *Instructional employee:* See the definition of Teacher in this section.

''(28) *Intermittent leave* means leave taken in separate periods of time due to a single illness or injury, birth, or placement, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy.

''(29) *Invitational travel authorization (ITA) or Invitational travel order (ITO)* mean orders issued by the Armed Forces to a family member to join an injured or ill servicemember at his or her bedside. See also 825.310(e).

''(30) *Key employee* means a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employing office within 75 miles of the employee's worksite. See also 825.217.

''(31) *Mental disability:* See the definition of Physical or mental disability in this section.

''(32) *Military caregiver leave* means leave taken to care for a covered servicemember with a serious injury or illness under the Family and Medical Leave Act of 1993. See also 825.127.

''(33) *Next of kin of a covered servicemember* means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. See also 825.127(d)(3).

''(34) *Office of Congressional Workplace Rights* means the independent office established in the legislative branch under section 301 of the CAA (2 U.S.C. 1381).

''(35) *Outpatient status* means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. See also 825.127(b)(1).

''(36) *Parent* means a biological, adoptive, step or foster father or mother or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents 'in law'.

''(37) *Parent of a covered servicemember* means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents 'in law'. See also 825.127(d)(2).

''(38) *Physical or mental disability* means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 C.F.R. part 1630, issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., as amended, provide guidance for these terms.

''(39) *Reduced leave schedule* means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

''(40) *Reserve components of the Armed Forces*, for purposes of qualifying exigency leave, include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, and Coast Guard Reserve, and retired members of the Regular Armed Forces or Reserves who are called up in support of a contingency operation. See also 825.126(a)(2)(i).

''(41) *Secretary* means the Secretary of Labor or authorized representative.

''(42) *Serious health condition* means an illness, injury, impairment, or physical or mental condition that involves inpatient care as defined in 825.114 or continuing treatment by a health care provider as defined in 825.115. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of 825.113 are met.

''(43) *Serious injury or illness* means:

''(A) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; and

''(B) In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

''(i) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

''(ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

''(iii) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

''(iv) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. See also 825.127(c).

''(44) *Son or daughter* means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and 'incapable of self-care because of a mental or physical disability' at the time that FMLA leave is to commence.

''(45) *Son or daughter of a covered servicemember* means a covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. See also 825.127(d)(1).

''(46) *Son or daughter on covered active duty or call to covered active duty status* means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. See also 825.126(a)(5).

''(47) *Spouse* means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

''(A) Was entered into in a State that recognizes such marriages; or

''(B) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

''(48) *Teacher (or employee employed in an instructional capacity, or instructional employee)* means an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

''(49) *TRICARE* is the health care program serving active duty servicemembers, National Guard and Reserve members, retirees, their families, survivors, and certain former spouses worldwide.

''§ 825.103 [Reserved]

''§ 825.104 Covered employing offices

''The FMLA, as made applicable by the CAA, covers all employing offices. As used in the CAA, the term employing office means:

''(1) The personal office of a Member of the House of Representatives or of a Senator;

''(2) A committee of the House of Representatives or the Senate or a joint committee;

''(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

''(4) The Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Congressional Workplace Rights, the Library of Congress, the Stennis Center for Public Service, the China Review Commission, the Congressional Executive China Commission, the Helsinki Commission, the United States Commission on International Religious Freedom, and the Office of Technology Assessment.

''§ 825.105 [Reserved]

''§ 825.106 Joint employer coverage

''(a) Where two or more employing offices exercise some control over the work or working conditions of the employee, the employing offices may be joint employers under FMLA, as made applicable by the CAA. Where the employee performs work which simultaneously benefits two or more employing offices, or works for two or more employing offices at different times during the workweek, a joint employment relationship generally will be considered to exist in situations such as:

''(1) Where there is an arrangement between employing offices to share an employee's services or to interchange employees;

''(2) Where one employing office acts directly or indirectly in the interest of the other employing office in relation to the employee; or

''(3) Where the employing offices are not completely disassociated with respect to the employee's employment and may be deemed to share control of the employee, directly or indirectly, because one employing office controls, is controlled by, or is under common control with the other employing office.

''(b) A determination of whether or not a joint employment relationship exists is not determined by the application of any single criterion, but rather the entire relationship is to be viewed in its totality. For example, joint employment will ordinarily be found to exist when:

''(1) An employee, who is employed by an employing office other than the personal office of a Member of the House of Representatives or of a Senator, is under the actual direction and control of the Member of the House of Representatives or Senator; or

''(2) Two or more employing offices employ an individual to work on common issues or other matters for both or all of them.

''(c) When employing offices employ a covered employee jointly, they may designate one of themselves to be the primary employing office, and the other or others to be the secondary employing office(s). Such a designation shall be made by written notice to the covered employee.

''(d) If an employing office is designated a primary employing office pursuant to paragraph (c) of this section, only that employing office is responsible for giving required notices to the covered employee, providing FMLA leave, and maintenance of health benefits. Job restoration is the primary responsibility of the primary employing office, and the secondary employing office(s) may, subject to the limitations in 825.216, be responsible for accepting the employee returning from FMLA leave.

''(e) If employing offices employ an employee jointly, but fail to designate a primary employing office pursuant to paragraph (c) of this section, then all of these employing offices shall be jointly and severally liable for giving required notices to the employee, for providing FMLA leave, for assuring that health benefits are maintained, and for job restoration. The employee may give notice of need for FMLA leave, as described in 825.302 and 825.303, to whichever of these employing offices the employee chooses. If the employee makes a written request for restoration to one of these employing offices, that employing office shall be primarily responsible for job restoration, and the other employing office(s) may, subject to the limitations in 825.216, be responsible for accepting the employee returning from FMLA leave.

"§ 825.107 [Reserved]

"§ 825.108 [Reserved]

"§ 825.109 [Reserved]

"§ 825.110 Eligible employee, general rule

''(a) Subject to the exceptions provided in 825.111, an eligible employee is a covered employee of an employing office who:

''(1) Has been employed by any employing office for at least 12 months, and

''(2) Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

''(b) Any service on active duty (as defined in 29 U.S.C. 2611(14)) by a covered employee who is a member of the National Guard or Reserves shall be counted as time during which such employee has been employed in an employing office for purposes of paragraph (a)(1) and (2) of this section.

''(c) The 12 months an employee must have been employed by any employing office need not be consecutive months, provided:

''(1) Subject to the exceptions provided in paragraph (c)(2) of this section, employment periods prior to a break in service of seven years or more need not be counted in determining whether the employee has been employed by any employing office for at least 12 months.

''(2) Employment periods preceding a break in service of more than seven years must be counted in determining whether the employee has been employed by any employing office for at least 12 months where:

''(A) The employee's break in service is occasioned by the fulfillment of his or her Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., covered service obligation. The period of absence from work due to or necessitated by USERRA-covered service must be also counted in determining whether the employee has been employed for at least 12 months by any employing office. However, this section does not provide any greater entitlement to the employee than would be available under the USERRA; or

''(B) A written agreement, including a collective bargaining agreement, exists concerning the employing office's intention to rehire the employee after the break in service (e.g., for purposes of the employee furthering his or her education or for childrearing purposes).

''(3) If an employee worked for two or more employing offices sequentially, the time worked will be aggregated to determine whether it equals 12 months.

''(4) If an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave (sick, vacation) during which other benefits or compensation are provided by the employing office (e.g., Federal Employees' Compensation, group health plan benefits, etc.), the week counts as a week of employment. For purposes of determining whether intermittent/occasional/casual employment qualifies as at least 12 months, 52 weeks is deemed to be equal to 12 months.

''(5) Nothing in this section prevents employing offices from considering employment prior to a continuous break in service of more than seven years when determining whether an employee has met the 12–month employment requirement. However, if an employing office chooses to recognize such prior employment, the employing office must do so uniformly, with respect to all employees with similar breaks in service.

''(d)(1) If an employee was employed by two or more employing offices, either sequentially or concurrently, the hours of service will be aggregated to determine whether the minimum of 1,250 hours has been reached.

''(2) Except as provided in paragraph (c)(3) of this section, whether an employee has worked the minimum 1,250 hours of service is determined according to the principles established under the Fair Labor Standards Act (FLSA), as applied by section 203 of the CAA (2 U.S.C. 1313), for determining compensable hours of work. The determining factor is the number of hours an employee has worked for one or more employing offices as defined by the CAA. The determination is not limited by methods of recordkeeping, or by compensation agreements that do not accurately reflect all of the hours an employee has worked for or been in service to the employing office. Any accurate accounting of actual hours worked under the FLSA's principles, as made applicable by the CAA (2 U.S.C. 1313), may be used.

''(3) An employee returning from USERRA-covered service shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service in determining the employee's eligibility for FMLA-qualifying leave. Accordingly, a person reemployed following USERRA-covered service has the hours that would have been worked for the employing office added to any hours actually worked during the previous 12–month period to meet the hours of service requirement. In order to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations.

''(4) In the event an employing office does not maintain an accurate record of hours worked by an employee, including for employees who are exempt from the overtime requirements of the FLSA, as made applicable by the CAA and its regulations, the employing office has the burden of showing that the employee has not worked the requisite hours. An employing office must be able to clearly demonstrate, for example, that full time teachers (See 825.102 for definition) of an elementary or secondary school system, or institution of higher education, or other educational establishment or institution (who often work outside the classroom or at their homes) did not work 1,250 hours during the previous 12 months in order to claim that the teachers are not covered or eligible for FMLA leave.

''(e) The determination of whether an employee meets the hours of service requirement for any employing office and has been employed by any employing office for a total of at least 12 months, must be made as of the date the FMLA leave is to start. An employee may be on non-FMLA leave at the time he or she meets the 12-month eligibility requirement, and in that event, any portion of the leave taken for an FMLA-qualifying reason after the employee meets the eligibility requirement would be FMLA leave. See 825.300(b) for rules governing the content of the eligibility notice given to employees.

"§ 825.111 Eligible employee, birth or placement

''For purposes of leave under subparagraphs (A) or (B) of section 102(a)(1) of the FMLA, 29 U.S.C. 2612(a)(1)(A) or (B):

''(1) an eligible employee is a covered employee of an employing office; and

''(2) the eligibility requirements of section 825.110 shall not apply. See also 825.120-21.

"§ 825.112 Qualifying reasons for leave, general rule

''(a) *Circumstances qualifying for leave*. Employing offices covered by FMLA as made applicable by the CAA are required to grant leave to eligible employees:

''(1) For birth of a son or daughter, and to care for the newborn child (See 825.120);

''(2) For the placement of a son or daughter with the employee for adoption or foster care and the care of such son or daughter (See 825.121);

''(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition (See 825.113 and 825.122);

''(4) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job (See 825.113 and 825.123);

''(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status) (See 825.122 and 825.126); and

''(6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember (See 825.122 and 825.127).

''(b) *Equal Application*. The right to take leave under FMLA, as made applicable by the CAA, applies equally to male and female employees. A father, as well as a mother, can take family leave for the birth, placement for adoption, or foster care of a child.

''(c) *Active employee*. In situations where the employing office/employee relationship has been interrupted, such as an employee who has been on layoff, the employee must be recalled or otherwise be re-employed before being eligible for FMLA leave. Under such circumstances, an eligible employee is immediately entitled to further FMLA leave for a qualifying reason.

"§ 825.113 Serious health condition

''(a) For purposes of FMLA, serious health condition entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves inpatient care as defined in 825.114 or continuing treatment by a health care provider as defined in 825.115.

''(b) The term incapacity means inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

''(c) The term treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

''(d) Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of this section are met.

“§ 825.114 Inpatient care

‘‘Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity as defined in 825.113(b), or any subsequent treatment in connection with such inpatient care.

“§ 825.115 Continuing treatment

‘‘A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

‘‘(a) *Incapacity and treatment.* A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

‘‘(1) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider.

‘‘(2) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

‘‘(3) The requirement in paragraphs (a)(1) and (2) of this section for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.

‘‘(4) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

‘‘(5) The term extenuating circumstances in paragraph (a)(1) of this section means circumstances beyond the employee’s control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the 30-day period, but the health care provider does not have any available appointments during that time period.

‘‘(b) *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy, or for prenatal care. See also 825.120.

‘‘(c) *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

‘‘(1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

‘‘(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

‘‘(3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

‘‘(d) *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer’s, a severe stroke, or the terminal stages of a disease.

‘‘(e) *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

‘‘(1) Restorative surgery after an accident or other injury; or

‘‘(2) A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

‘‘(f) Absences attributable to incapacity under paragraphs (b) or (c) of this section qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee’s health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

“§ 825.116 [Reserved]

“§ 825.117 [Reserved]

“§ 825.118 [Reserved]

“§ 825.119 Leave for treatment of substance abuse

‘‘(a) Substance abuse may be a serious health condition if the conditions of 825.113 through 825.115 are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee’s use of the substance, rather than for treatment, does not qualify for FMLA leave.

‘‘(b) Treatment for substance abuse does not prevent an employing office from taking employment action against an employee. The employing office may not take action against the employee because the employee has exercised his or her right to take FMLA leave for treatment. However, if the employing office has an established policy, applied in a non-discriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking FMLA leave. An employee may also take FMLA leave to care for a covered family member who is receiving treatment for substance abuse. The employing office may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

“§ 825.120 Leave for pregnancy or birth

‘‘(a) *General rules.* Eligible employees are entitled to FMLA leave for pregnancy or birth of a son or daughter and to care for the newborn child as follows:

‘‘(1) Both parents are entitled to FMLA leave for the birth of their child.

‘‘(2) Both parents are entitled to FMLA leave to be with the healthy newborn child (i.e., bonding time) during the 12-month period beginning on the date of birth. An employee’s entitlement to FMLA leave for a birth expires at the end of the 12-month period beginning on the date of the birth. If the employing office permits bonding leave to be taken beyond this period, such leave will not qualify as FMLA leave. Under this section, both parents are entitled to FMLA leave even if the newborn does not have a serious health condition.

‘‘(3) Spouses who are eligible for FMLA leave and are employed by the same employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee’s son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee’s parent with a serious health condition. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a healthy, newborn child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

‘‘(4) The expectant mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. An expectant mother may take FMLA leave before the birth of the child for prenatal care or if her condition makes her unable to work. The expectant mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three consecutive calendar days.

‘‘(5) A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated or if needed to care for her during her prenatal care, or if needed to care for her following the birth of a child if she has a serious health condition. See 825.124.

‘‘(6) Both parents are entitled to FMLA leave if needed to care for a child with a serious health condition if the requirements of 825.113 through 825.115 and 825.122(d) are met. Thus, spouses may each take 12 weeks of FMLA leave if needed to care for their newborn child with a serious health condition, even if both are employed by the same employing office, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.

‘‘(b) *Intermittent and reduced schedule leave.* An eligible employee may use intermittent or reduced schedule leave after the birth to be with a healthy newborn child only if the employing office agrees. For example, an employing office and employee may agree to a part-time work schedule after the birth. If the employing office agrees to permit intermittent or reduced schedule leave for the birth of a child, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and Federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced leave. The employing office's agreement is not required for intermittent leave required by the serious health condition of the expectant mother or newborn child. See 825.202–825.205 for general rules governing the use of intermittent and reduced schedule leave. See 825.121 for rules governing leave for adoption or foster care. See 825.601 for special rules applicable to instructional employees of schools.

"§ 825.121 Leave for adoption or foster care

''(a) *General rules.* Eligible employees are entitled to FMLA leave for placement with the employee of a son or daughter for adoption or foster care and to care for the newly placed child as follows:

''(1) Employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. For example, the employee may be required to attend counseling sessions, appear in court, consult with his or her attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave for this purpose.

''(2) An employee's entitlement to leave for adoption or foster care expires at the end of the 12-month period beginning on the date of the placement. If the employing office permits leave for adoption or foster care to be taken beyond this period, such leave will not qualify as FMLA leave. Under this section, the employee is entitled to FMLA leave even if the adopted or foster child does not have a serious health condition.

''(3) Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for the placement of the employee's son or daughter or to care for the child after placement, for the birth of the employee's son or daughter or to care for the child after birth, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a healthy, newly placed child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

''(4) An eligible employee is entitled to FMLA leave in order to care for an adopted or foster child with a serious health condition if the requirements of 825.113 through 825.115 and 825.122(d) are met. Thus, spouses may each take 12 weeks of FMLA leave if needed to care for an adopted or foster child with a serious health condition, even if both are employed by the same employing office, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.

''(b) *Use of intermittent and reduced schedule leave.* An eligible employee may use intermittent or reduced schedule leave after the placement of a healthy child for adoption or foster care only if the employing office agrees. Thus, for example, the employing office and employee may agree to a part-time work schedule after the placement for bonding purposes. If the employing office agrees to permit intermittent or reduced schedule leave for the placement for adoption or foster care, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and Federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced leave. The employing office's agreement is not required for intermittent leave required by the serious health condition of the adopted or foster child. See 825.202–825.205 for general rules governing the use of intermittent and reduced schedule leave. See 825.120 for general rules governing leave for pregnancy and birth of a child. See 825.601 for special rules applicable to instructional employees of schools.

"§ 825.122 Definitions of covered servicemember, spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on covered active duty or call to covered active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember

''(a) *Covered servicemember* means:

''(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

''(2) A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. See 825.127(b)(2).

''(b) *Spouse* means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

''(1) Was entered into in a State that recognizes such marriages; or

''(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

''(c) *Parent.* Parent means a biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in paragraph (d) of this section. This term does not include parents 'in law'.

''(d) *Son or daughter.* For purposes of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition, son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and 'incapable of self-care because of a mental or physical disability' at the time that FMLA leave is to commence.

''(1) *Incapable of self-care* means that the individual requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (ADLs) or instrumental activities of daily living (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

''(2) *Physical or mental disability* means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 C.F.R. 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), (42 U.S.C. 12101 et seq.), provide guidance for these terms.

''(3) Persons who are 'in loco parentis' include those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

''(e) *Next of kin* of a covered servicemember means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. See 825.127(d)(3).

''(f) *Adoption* means legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for FMLA leave. See 825.121 for rules governing leave for adoption.

''(g) *Foster care* means 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody. See 825.121 for rules governing leave for foster care.

''(h) Son or daughter on covered active duty or call to covered active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. See 825.126(a)(5).

''(i) Son or daughter of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. See 825.127(d)(1).

''(j) *Parent of a covered servicemember* means a covered servicemember's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents 'in law.' See 825.127(d)(2).

''(k) *Documenting relationships*. For purposes of confirmation of family relationship, the employing office may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, a court document, etc. The employing office is entitled to examine documentation such as a birth certificate, etc., but the employee is entitled to the return of the official document submitted for this purpose.

''§ 825.123 Unable to perform the functions of the position

''(a) *Definition*. An employee is unable to perform the functions of the position where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act (ADA), as amended and made applicable by section 201(a) of the CAA (2 U.S.C. 1311(a)(3)). An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

''(b) *Statement of functions*. An employing office has the option, in requiring certification from a health care provider, to provide a statement of the essential functions of the employee's position for the health care provider to review. A sufficient medical certification must specify what functions of the employee's position the employee is unable to perform so that the employing office can then determine whether the employee is unable to perform one or more essential functions of the employee's position. For purposes of the FMLA, the essential functions of the employee's position are to be determined with reference to the position the employee held at the time notice is given or leave commenced, whichever is earlier. See 825.306.

''§ 825.124 Needed to care for a family member or covered servicemember

''(a) The medical certification provision that an employee is needed to care for a family member or covered servicemember encompasses both physical and psychological care. It includes situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor. The term also includes providing psychological comfort and reassurance which would be beneficial to a child, spouse or parent with a serious health condition who is receiving inpatient or home care.

''(b) The term also includes situations where the employee may be needed to substitute for others who normally care for the family member or covered servicemember, or to make arrangements for changes in care, such as transfer to a nursing home. The employee need not be the only individual or family member available to care for the family member or covered servicemember.

''(c) An employee's intermittent leave or a reduced leave schedule necessary to care for a family member or covered servicemember includes not only a situation where the condition of the family member or covered servicemember itself is intermittent, but also where the employee is only needed intermittently—such as where other care is normally available, or care responsibilities are shared with another member of the family or a third party. See 825.202–825.205 for rules governing the use of intermittent or reduced schedule leave.

''§ 825.125 Definition of health care provider

''(a) The FMLA, as made applicable by the CAA, defines *health care provider* as:

''(1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

''(2) Any other person determined by the Office of Congressional Workplace Rights to be capable of providing health care services.

''(3) In making a determination referred to in subparagraph (a)(2), and absent good cause shown to do otherwise, the Office of Congressional Workplace Rights will follow any determination made by the Department of Labor (under section 101(6)(B) of FMLA (29 U.S.C. 2611(6)(B))) that a person is capable of providing health care services, provided the determination by the Department of Labor was not made at the request of a person who was then a covered employee.

''(b) Others capable of providing health care services include only:

''(1) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

''(2) Nurse practitioners, nurse-midwives, clinical social workers, and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

''(3) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employing office that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;

''(4) Any health care provider from whom an employing office or the employing office's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

''(5) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

''(c) The phrase authorized to practice in the State as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

''§ 825.126 Leave because of a qualifying exigency

''(a) Eligible employees may take FMLA leave for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).

''(1) *Covered active duty or call to covered active duty status* in the case of a member of the Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. The active duty orders of a member of the Regular components of the Armed Forces will generally specify if the member is deployed to a foreign country.

''(2) *Covered active duty or call to covered active duty status* in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to: section 688 of title 10 of the United States Code, which authorizes ordering to active duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service; section 12301(a) of title 10 of the United States Code, which authorizes ordering all reserve component members to active duty in the case of war or national emergency; section 12302 of title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty; section 12304 of title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty; section 12305 of title 10 of the United States Code, which authorizes the suspension of promotion, retirement or separation rules for certain Reserve components; section 12406 of title 10 of the United States Code, which authorizes calling the National Guard into Federal service in certain circumstances; chapter 15 of title 10 of the United States Code, which authorizes calling the National Guard and State military into Federal service in the case of insurrections and national emergencies; or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation. See 10 U.S.C. 101(a)(13)(B).

''(A) For purposes of covered active duty or call to covered active duty status, the Reserve components of the Armed Forces include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, and Coast Guard Reserve, and retired members of the Regular Armed Forces or Reserves who are called up in support of a contingency operation pursuant to one of the provisions of law identified in paragraph (a)(2).

''(B) The active duty orders of a member of the Reserve components will generally specify if the military member is serving in support of a contingency operation by citation to the relevant section of title 10 of the United States Code and/or by reference to the specific name of the contingency operation and will specify that the deployment is to a foreign country.

''(3) *Deployment of the member with the Armed Forces to a foreign country* means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States, including international waters.

''(4) A call to covered active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to active duty. State calls to active duty are not covered unless under order of the President of the United States pursuant to one of the provisions of law identified in paragraph (a)(2) of this section.

''(5) *Son or daughter on covered active duty or call to covered active duty status* means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age.

''(b) An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

''(1) *Short-notice deployment.* (A) To address any issue that arises from the fact that the military member is notified of an impending call or order to covered active duty seven or less calendar days prior to the date of deployment;

''(B) Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the military member is notified of an impending call or order to covered active duty;

''(2) *Military events and related activities.*

''(A) To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of the military member; and

''(B) To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of the military member;

''(3) *Childcare and school activities.* For the purposes of leave for childcare and school activities listed in (A) through (D) of this paragraph, a child of the military member must be the military member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the military member stands in loco parentis, who is either under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. As with all instances of qualifying exigency leave, the military member must be the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave.

''(A) To arrange for alternative childcare for a child of the military member when the covered active duty or call to covered active duty status of the military member necessitates a change in the existing childcare arrangement;

''(B) To provide childcare for a child of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;

''(C) To enroll in or transfer to a new school or day care facility a child of the military member when enrollment or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and

''(D) To attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a child of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member;

''(4) *Financial and legal arrangements.* (A) To make or update financial or legal arrangements to address the military member's absence while on covered active duty or call to covered active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust; and

''(B) To act as the military member's representative before a Federal, State, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of 90 days following the termination of the military member's covered active duty status;

''(5) *Counseling.* To attend counseling provided by someone other than a health care provider, for oneself, for the military member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the military member, or a child for whom the military member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty status of the military member;

''(6) *Rest and Recuperation.* (A) To spend time with the military member who is on short-term, temporary, Rest and Recuperation leave during the period of deployment;

''(B) Leave taken for this purpose can be used for a period of 15 calendar days beginning on the date the military member commences each instance of Rest and Recuperation leave;

''(7) *Post-deployment activities.* (A) To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the military member's covered active duty status; and

''(B) To address issues that arise from the death of the military member while on covered active duty status, such as meeting and recovering the body of the military member, making funeral arrangements, and attending funeral services;

''(8) *Parental care.* For purposes of leave for parental care listed in (A) through (D) of this paragraph, the parent of the military member must be incapable of self-care and must be the military member's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age. A parent who is incapable of self-care means that the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living. Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc. As with all instances of qualifying exigency leave, the military member must be the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave.

''(A) To arrange for alternative care for a parent of the military member when the parent is incapable of self-care and the covered active duty or call to covered active duty status of the military member necessitates a change in the existing care arrangement for the parent;

''(B) To provide care for a parent of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;

''(C) To admit to or transfer to a care facility a parent of the military member when admittance or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and

''(D) To attend meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member but not for routine or regular meetings;

''(9) *Additional activities.* To address other events which arise out of the military member's covered active duty or call to covered active duty status provided that the employing office and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

''§ 825.127 Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave)

''(a) Eligible employees are entitled to FMLA leave to care for a covered servicemember with a serious illness or injury.

''(b) Covered servicemember means:

''(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness. Outpatient status means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

''(2) A covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. An eligible employee must commence leave to care for a covered veteran within five years of the veteran's active duty service, but the single 12-month period described in paragraph (e)(1) of this section may extend beyond the five-year period.

''(3) For an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to the effective date of this Final Rule, the period between October 28, 2009, and the effective date of this Final Rule shall not count towards the determination of the five-year period for covered veteran status.

''(c) A serious injury or illness means:

''(1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

''(2) In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces), and manifested itself before or after the member became a veteran, and is:

''(A) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

''(B) A physical or mental condition for which the covered veteran has received a Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

''(C) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

''(D) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

''(d) In order to care for a covered servicemember, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered servicemember.

''(1) Son or daughter of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

''(2) Parent of a covered servicemember means a covered servicemember's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents 'in law'.

''(3) Next of kin of a covered servicemember means the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employing office is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to 825.122(k).

''(e) An eligible employee is entitled to 26 workweeks of leave to care for a covered servicemember with a serious injury or illness during a single 12–month period.

''(1) The single 12-month period described in paragraph (e) of this section begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date, regardless of the method used by the employing office to determine the employee's 12 workweeks of leave entitlement for other FMLA-qualifying reasons. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered servicemember during this single 12-month period, the remaining part of his or her 26 workweeks of leave entitlement to care for the covered servicemember is forfeited.

''(2) The leave entitlement described in paragraph (e) of this section is to be applied on a per-covered-servicemember, per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period. An eligible employee may take more than one period of 26 workweeks of leave to care for a covered servicemember with more than one serious injury or illness only when the serious injury or illness is a subsequent serious injury or illness. When an eligible employee takes leave to care for more than one covered servicemember or for a subsequent serious injury or illness of the same covered servicemember, and the single 12-month periods corresponding to the different military caregiver leave entitlements overlap, the employee is limited to taking no more than 26 workweeks of leave in each single 12-month period.

''(3) An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period described in paragraph (e) of this section, provided that the employee is entitled to no more than 12 workweeks of leave for one or more of the following: in connection with the birth of a son or daughter of the employee and in order to care for such son or daughter; in connection with the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee's own serious health condition; or because of a qualifying exigency. Thus, for example, an eligible employee may, during the single 12-month period, take 16 workweeks of FMLA leave to care for a covered servicemember and 10 workweeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the single 12-month period, even if the employee takes fewer than 14 workweeks of FMLA leave to care for a covered servicemember.

''(4) In all circumstances, including for leave taken to care for a covered servicemember, the employing office is responsible for designating leave, paid or unpaid, as FMLA-qualifying, and for giving notice of the designation to the employee as provided in 825.300. In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the single 12-month period described in paragraph (e) of this section, the employing office must designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the single 12-month period described in paragraph (e) of this section must not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition. As is the case with leave taken for other qualifying reasons, employing offices may retroactively designate leave as leave to care for a covered servicemember pursuant to 825.301(d).

''(f) Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 26 workweeks of leave during the single 12-month period described in paragraph (e) of this section if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 26 workweeks of FMLA leave.

''Subpart B—Employee Leave Entitlements Under The Family And Medical Leave Act, As Made Applicable By The Congressional Accountability Act

''§ 825.200 Amount of leave

''(a) Except in the case of leave to care for a covered servicemember with a serious injury or illness, an eligible employee's FMLA leave entitlement is limited to a total of 12 workweeks of leave during any 12-month period for any one, or more, of the following reasons:

''(1) The birth of the employee's son or daughter, and to care for the newborn child;

''(2) The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;

''(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition;

''(4) Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job; and

''(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty).

''(b) An employing office is permitted to choose any one of the following methods for determining the 12-month period in which the 12 weeks of leave entitlement described in paragraph (a) of this section occurs:

''(1) The calendar year;

''(2) Any fixed 12-month leave year, such as a fiscal year or a year starting on an employee's anniversary date;

''(3) The 12-month period measured forward from the date any employee's first FMLA leave under paragraph (a) begins; or

''(4) A 'rolling' 12-month period measured backward from the date an employee uses any FMLA leave as described in paragraph (a).

''(c) Under methods in paragraphs (b)(1) and (b)(2) of this section an employee would be entitled to up to 12 weeks of FMLA leave at any time in the fixed 12-month period selected. An employee could, therefore, take 12 weeks of leave at the end of the year and 12 weeks at the beginning of the following year. Under the method in paragraph (b)(3) of this section, an employee would be entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken; the next 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period. Under the method in paragraph (b)(4) of this section, the 'rolling' 12-month period, each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning February 1, 2008, four weeks beginning June 1, 2008, and four weeks beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1, 2009. However, beginning on February 1, 2009, the employee would again be eligible to take FMLA leave, recouping the right to take the leave in the same manner and amounts in which it was used in the previous year. Thus, the employee would recoup (and be entitled to use) one additional day of FMLA leave each day for four weeks, commencing February 1, 2009. The employee would also begin to recoup additional days beginning on June 1, 2009, and additional days beginning on December 1, 2009. Accordingly, employing offices using the rolling 12-month period may need to calculate whether the employee is entitled to take FMLA leave each time that leave is requested, and employees taking FMLA leave on such a basis may fall in and out of FMLA protection based on their FMLA usage in the prior 12 months. For example, in the example above, if the employee needs six weeks of leave for a serious health condition commencing February 1, 2009, only the first four weeks of the leave would be FMLA-protected.

''(d)(1) Employing offices will be allowed to choose any one of the alternatives in paragraph (b) of this section for the leave entitlements described in paragraph (a) of this section provided the alternative chosen is applied consistently and uniformly to all employees. An employing office wishing to change to another alternative is required to give at least 60 days' notice to all employees, and the transition must take place in such a way that the employees retain the full benefit of 12 weeks of leave under whichever method affords the greatest benefit to the employee. Under no circumstances may a new method be implemented in order to avoid the CAA's FMLA leave requirements.

''(2) [Reserved]

''(e) If an employing office fails to select one of the options in paragraph (b) of this section for measuring the 12-month period for the leave entitlements described in paragraph (a), the option that provides the most beneficial outcome for the employee will be used. The employing office may subsequently select an option only by providing the 60-day notice to all employees of the option the employing office intends to implement. During the running of the 60-day period any other employee who needs FMLA leave may use the option providing the most beneficial outcome to that employee. At the conclusion of the 60-day period the employing office may implement the selected option.

''(f) An eligible employee's FMLA leave entitlement is limited to a total of 26 workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness. An employing office shall determine the single 12-month period in which the 26 weeks of leave entitlement described in this paragraph occurs using the 12-month period measured forward from the date an employee's first FMLA leave to care for the covered servicemember begins. See 825.127(e)(1).

''(g) During the single 12-month period described in paragraph (f), an eligible employee's FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason. See 825.127(e)(3).

''(h) For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, if for some reason the employing office's business activity has temporarily ceased and employees generally are not expected to report for work for one or more weeks (e.g., a school closing two weeks for the Christmas/New Year holiday or the summer vacation or an employing office closing the office for repairs), the days the employing office's activities have ceased do not count against the employee's FMLA leave entitlement. Methods for determining an employee's 12-week leave entitlement are also described in 825.205.

''(i)(1) If employing offices jointly employ an employee, and if they designate a primary employing office pursuant to 825.106(c), the primary employing office may choose any one of the alternatives in paragraph (b) of this section for measuring the 12-month period, provided that the alternative chosen is applied consistently and uniformly to all employees of the primary employing office including the jointly employed employee.

''(2) If employing offices fail to designate a primary employing office pursuant to 825.106(c), an employee jointly employed by the employing offices may, by so notifying one of the employing offices, select that employing office to be the primary employing office of the employee for purposes of the application of paragraphs (d) and (e) of this section.

''(j) If, before beginning employment with an employing office, an employee had been employed by another employing office, the subsequent employing office may count against the employee's FMLA leave entitlement FMLA leave taken from the prior employing office, so long as the prior employing office properly designated the leave as FMLA under these regulations or other applicable requirements.

''§ 825.201 Leave to care for a parent

''(a) *General rule*. An eligible employee is entitled to FMLA leave if needed to care for the employee's parent with a serious health condition. Care for parents-in-law is not covered by the FMLA. See 825.122(c) for definition of parent.

''(b) *Same employing office limitation*. Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where the spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a parent, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition. See also 825.127(d).

''§ 825.202 Intermittent leave or reduced leave schedule

''(a) *Definition*. FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

''(b) *Medical necessity*. For intermittent leave or leave on a reduced leave schedule taken because of one's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or to care for a covered servicemember with a serious injury or illness, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition and in the certification of a serious injury or illness, if required by the employing office, addresses the medical necessity of intermittent leave or leave on a reduced leave schedule. See 825.306, 825.310. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a serious health condition or of a covered servicemember's serious injury or illness, or for recovery from treatment or recovery from a serious health condition or a covered servicemember's serious injury or illness. It may also be taken to provide care or psychological comfort to a covered family member with a serious health condition or a covered servicemember with a serious injury or illness.

''(1) Intermittent leave may be taken for a serious health condition of a spouse, parent, son, or daughter, for the employee's own serious health condition, or a serious injury or illness of a covered servicemember which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness. An example of an employee taking leave on a reduced leave schedule is an employee who is recovering from a serious health condition and is not strong enough to work a full-time schedule.

''(2) Intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition or a serious injury or illness of a covered servicemember, even if he or she does not receive treatment by a health care provider. See 825.113 and 825.127.

''(c) *Birth or placement.* When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employing office agrees. Such a schedule reduction might occur, for example, where an employee, with the employing office's agreement, works part-time after the birth of a child, or takes leave in several segments. The employing office's agreement is not required, however, for leave during which the expectant mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition. See 825.204 for rules governing transfer to an alternative position that better accommodates intermittent leave. See also 825.120 (pregnancy) and 825.121 (adoption and foster care).

''(d) *Qualifying exigency.* Leave due to a qualifying exigency may be taken on an intermittent or reduced leave schedule basis.

''§ 825.203 Scheduling of intermittent or reduced schedule leave

''Eligible employees may take FMLA leave on an intermittent or reduced schedule basis when medically necessary due to the serious health condition of a covered family member or the employee or the serious injury or illness of a covered servicemember. See 825.202. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the employing office's operations.

''§ 825.204 Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave

''(a) *Transfer or reassignment.* If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee, a family member, or a covered servicemember, including during a period of recovery from one's own serious health condition, a serious health condition of a spouse, parent, son, or daughter, or a serious injury or illness of a covered servicemember, or if the employing office agrees to permit intermittent or reduced schedule leave for the birth of a child or for placement of a child for adoption or foster care, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. See 825.601 for special rules applicable to instructional employees of schools.

''(b) *Compliance.* Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and Federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced scheduled leave.

''(c) *Equivalent pay and benefits.* The alternative position must have equivalent pay and benefits. An alternative position for these purposes does not have to have equivalent duties. The employing office may increase the pay and benefits of an existing alternative position, so as to make them equivalent to the pay and benefits of the employee's regular job. The employing office may also transfer the employee to a part-time job with the same hourly rate of pay and benefits, provided the employee is not required to take more leave than is medically necessary. For example, an employee desiring to take leave in increments of four hours per day could be transferred to a half-time job, or could remain in the employee's same job on a part-time schedule, paying the same hourly rate as the employee's previous job and enjoying the same benefits. The employing office may not eliminate benefits which otherwise would not be provided to part-time employees; however, an employing office may proportionately reduce benefits such as vacation leave where an employing office's normal practice is to base such benefits on the number of hours worked.

''(d) *Employing office limitations.* An employing office may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee. For example, a white collar employee may not be assigned to perform laborer's work; an employee working the day shift may not be reassigned to the graveyard shift; an employee working in the headquarters facility may not be reassigned to a branch a significant distance away from the employee's normal job location. Any such attempt on the part of the employing office to make such a transfer will be held to be contrary to the prohibited acts provisions of the FMLA, as made applicable by the CAA.

''(e) *Reinstatement of employee.* When an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee must be placed in the same or equivalent job as the job he or she left when the leave commenced. An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for leave.

''§ 825.205 Increments of fmla leave for intermittent or reduced schedule leave

''(a) *Minimum increment.* (1) When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the employing office must account for the leave using an increment no greater than the shortest period of time that the employing office uses to account for use of other forms of leave provided that it is not greater than one hour and provided further that an employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken. An employing office may not require an employee to take more leave than is necessary to address the circumstances that precipitated the need for the leave, provided that the leave is counted using the shortest increment of leave used to account for any other type of leave. See also 825.205(a)(2) for the physical impossibility exception, and 825.600 and 825.601 for special rules applicable to employees of schools. If an employing office uses different increments to account for different types of leave, the employing office must account for FMLA leave in the smallest increment used to account for any other type of leave. For example, if an employing office accounts for the use of annual leave in increments of one hour and the use of sick leave in increments of one-half hour, then FMLA leave use must be accounted for using increments no larger than one-half hour. If an employing office accounts for use of leave in varying increments at different times of the day or shift, the employing office may also account for FMLA leave in varying increments, provided that the increment used for FMLA leave is no greater than the smallest increment used for any other type of leave during the period in which the FMLA leave is taken. If an employing office accounts for other forms of leave use in increments greater than one hour, the employing office must account for FMLA leave use in increments no greater than one hour. An employing office may account for FMLA leave in shorter increments than used for other forms of leave. For example, an employing office that accounts for other forms of leave in one hour increments may account for FMLA leave in a shorter increment when the employee arrives at work several minutes late, and the employing office wants the employee to begin work immediately. Such accounting for FMLA leave will not alter the increment considered to be the shortest period used to account for other forms of leave or the use of FMLA leave in other circumstances. In all cases, employees may not be charged FMLA leave for periods during which they are working.

''(2) Where it is physically impossible for an employee using intermittent leave or working a reduced leave schedule to commence or end work mid-way through a shift, such as where a flight attendant or a railroad conductor is scheduled to work aboard an airplane or train, or a laboratory employee is unable to enter or leave a sealed 'clean room' during a certain period of time and no equivalent position is available, the entire period that the employee is forced to be absent is designated as FMLA leave and counts against the employee's FMLA entitlement. The period of the physical impossibility is limited to the period during which the employing office is unable to permit the employee to work prior to a period of FMLA leave or return the employee to the same or equivalent position due to the physical impossibility after a period of FMLA leave. See 825.214.

''(b) *Calculation of leave.* (1) When an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. The actual workweek is the basis of leave entitlement. Therefore, if an employee who would otherwise work 40 hours a week takes off eight hours, the employee would use one-fifth (1/5) of a week of FMLA leave. Similarly, if a full-time employee who would otherwise work eight-hour days works four-hour days under a reduced leave schedule, the employee would use one half (1/2) week of FMLA leave each week. Where an employee works a part-time schedule or variable hours, the amount of FMLA leave that an employee uses is determined on a pro rata or proportional basis. If an employee who would otherwise work 30 hours per week, but works only 20 hours a week under a reduced leave schedule, the employee's 10 hours of leave would constitute one-third (1/3) of a week of FMLA leave for each week the employee works the reduced leave schedule. An employing office may convert these fractions to their hourly equivalent so long as the conversion equitably reflects the employee's total normally scheduled hours. An employee does not accrue FMLA-protected leave at any particular hourly rate. An eligible employee is entitled to up to a total of 12 workweeks of leave, or 26 workweeks in the case of military caregiver leave, and the total number of hours contained in those workweeks is necessarily dependent on the specific hours the employee would have worked but for the use of leave. See also 825.601 and 825.602 on special rules for schools.

''(2) If an employing office has made a permanent or long-term change in the employee's schedule (for reasons other than FMLA, and prior to the notice of need for FMLA leave), the hours worked under the new schedule are to be used for making this calculation.

''(3) If an employee's schedule varies from week to week to such an extent that an employing office is unable to determine with any certainty how many hours the employee would otherwise have worked (but for the taking of FMLA leave), a weekly average of the hours worked over the 12 months prior to the beginning of the leave period (including any hours for which the employee took leave of any type) would be used for calculating the employee's leave entitlement.

''(c) *Overtime*. If an employee would normally be required to work overtime, but is unable to do so because of a FMLA-qualifying reason that limits the employee's ability to work overtime, the hours which the employee would have been required to work may be counted against the employee's FMLA entitlement. In such a case, the employee is using intermittent or reduced schedule leave. For example, if an employee would normally be required to work for 48 hours in a particular week, but due to a serious health condition the employee is unable to work more than 40 hours that week, the employee would utilize eight hours of FMLA-protected leave out of the 48-hour workweek, or one-sixth (1/6) of a week of FMLA leave. Voluntary overtime hours that an employee does not work due to an FMLA-qualifying reason may not be counted against the employee's FMLA leave entitlement.

''§ 825.206 Interaction with the FLSA, as made applicable by the congressional accountability act

''(a) Leave taken under FMLA, as made applicable by the CAA, may be unpaid. If an employee is otherwise exempt from minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), as made applicable by the CAA, and as exempt under regulations issued by the Board, at part 541, providing unpaid FMLA-qualifying leave to such an employee will not cause the employee to lose the FLSA exemption. This means that under regulations currently in effect, where an employee meets the specified duties test, is paid on a salary basis, and is paid a salary of at least the amount specified in the regulations, the employing office may make deductions from the employee's salary for any hours taken as intermittent or reduced FMLA leave within a workweek, without affecting the exempt status of the employee.

''(b) For an employee paid in accordance with a fluctuating workweek method of payment for overtime, where permitted by section 203 of the CAA (2 U.S.C. 1313), the employing office, during the period in which intermittent or reduced schedule FMLA leave is scheduled to be taken, may compensate an employee on an hourly basis and pay only for the hours the employee works, including time and one-half the employee's regular rate for overtime hours. The change to payment on an hourly basis would include the entire period during which the employee is taking intermittent leave, including weeks in which no leave is taken. The hourly rate shall be determined by dividing the employee's weekly salary by the employee's normal or average schedule of hours worked during weeks in which FMLA leave is not being taken. If an employing office chooses to follow this exception from the fluctuating workweek method of payment, the employing office must do so uniformly, with respect to all employees paid on a fluctuating workweek basis for whom FMLA leave is taken on an intermittent or reduced leave schedule basis. If an employing office does not elect to convert the employee's compensation to hourly pay, no deduction may be taken for FMLA leave absences. Once the need for intermittent or reduced scheduled leave is over, the employee may be restored to payment on a fluctuating workweek basis.

''(c) This special exception to the salary basis requirements of the FLSA exemption or fluctuating workweek payment requirements applies only to employees of covered employing offices who are eligible for FMLA leave, and to leave which qualifies as FMLA leave. Hourly or other deductions which are not in accordance with the Board's FLSA regulations at part 541 or with a permissible fluctuating workweek method of payment for overtime may not be taken, for example, where the employee has not worked long enough to be eligible for FMLA leave without potentially affecting the employee's eligibility for exemption. Nor may deductions which are not permitted by the Board's FLSA regulations at part 541 or by a permissible fluctuating workweek method of payment for overtime be taken from such an employee's salary for any leave which does not qualify as FMLA leave, for example, deductions from an employee's pay for leave required under an employing office's policy or practice for a reason which does not qualify as FMLA leave, e.g., leave to care for a grandparent or for a medical condition which does not qualify as a serious health condition or serious injury or illness; or for leave which is more generous than provided by the FMLA, as made applicable by the CAA. Employing offices may comply with the employing office's own policy/practice under these circumstances and maintain the employee's eligibility for exemption or for the fluctuating workweek method of pay by not taking hourly deductions from the employee's pay, in accordance with FLSA requirements, as made applicable by the CAA, or may take such deductions, treating the employee as an hourly employee and pay overtime premium pay for hours worked over 40 in a workweek.

''§ 825.207 Substitution of paid leave, generally

''(a) Generally, FMLA leave is unpaid leave. However, under the circumstances described in this section, the FMLA, as made applicable by the CAA, permits an eligible employee to choose to substitute accrued paid leave for unpaid FMLA leave. Subject to 825.208, if an employee does not choose to substitute accrued paid leave, the employing office may require the employee to substitute accrued paid leave for unpaid FMLA leave. The term substitute means that the paid leave provided by the employing office, and accrued pursuant to established policies of the employing office, will run concurrently with the unpaid FMLA leave. Accordingly, the employee receives pay pursuant to the employing office's applicable paid leave policy during the period of otherwise unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employing office's normal leave policy. When an employee chooses, or an employing office requires, substitution of accrued paid leave, the employing office must inform the employee that the employee must satisfy any procedural requirements of the paid leave policy only in connection with the receipt of such payment. See 825.300(c). If an employee does not comply with the additional requirements in an employing office's paid leave policy, the employee is not entitled to substitute accrued paid leave, but the employee remains entitled to take unpaid FMLA leave. Employing offices may not discriminate against employees on FMLA leave in the administration of their paid leave policies.

''(b) If neither the employee nor the employing office elects to substitute paid leave for unpaid FMLA leave under the above conditions and circumstances, the employee will remain entitled to all the paid leave which is earned or accrued under the terms of the employing office's plan.

''(c) If an employee uses paid leave under circumstances which do not qualify as FMLA leave, the leave will not count against the employee's FMLA leave entitlement. For example, paid sick leave used for a medical condition which is not a serious health condition or serious injury or illness does not count against the employee's FMLA leave entitlement.

''(d) Leave taken pursuant to a disability leave plan would be considered FMLA leave for a serious health condition and counted in the leave entitlement permitted under FMLA if it meets the criteria set forth above in 825.112 through 825.115. In such cases, the employing office may designate the leave as FMLA leave and count the leave against the employee's FMLA leave entitlement. Because leave pursuant to a disability benefit plan is not unpaid, the provision for substitution of the employee's accrued paid leave is inapplicable, and neither the employee nor the employing office may require the substitution of paid leave. However, employing offices and employees may agree to have paid leave supplement the disability plan benefits, such as in the case where a plan only provides replacement income for two-thirds of an employee's salary.

''(e) The FMLA, as made applicable by the CAA, provides that a serious health condition may result from injury to the employee on or off the job. If the employing office designates the leave as FMLA leave in accordance with 825.300(d), the leave counts against the employee's FMLA leave entitlement. Because the workers' compensation absence is not unpaid, the provision for substitution of the employee's accrued paid leave is not applicable, and neither the employee nor the employing office may require the substitution of paid leave. However, employing offices and employees may agree, to have paid leave supplement workers' compensation benefits, such as in the case where workers' compensation only provides replacement income for two-thirds of an employee's salary. If the health care provider treating the employee for the workers' compensation injury certifies the employee is able to return to a light duty job but is unable to return to the same or equivalent job, the employee may decline the employing office's offer of a light duty job. As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the employee's FMLA leave entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or the employing office may require the use of accrued paid leave. See also 825.210(f), 825.216(d), 825.220(d), 825.307(a) and 825.702 (d)(1) and (2) regarding the relationship between workers' compensation absences and FMLA leave.

''(f) Under the FLSA, as made applicable by the CAA, an employing office always has the right to cash out an employee's compensatory time or to require the employee to use the time. Therefore, if an employee requests and is permitted to use accrued compensatory time to receive pay for time taken off for an FMLA reason, or if the employing office requires such use pursuant to the FLSA, the time taken may be counted against the employee's FMLA leave entitlement.

''§ 825.208 Substitution of paid leave—special rule for paid parental leave

''(a) This section applies to births or placements occurring on or after October 1, 2020.

''(b) This section provides the basis for determining the periods of unpaid leave for which paid parental leave or accrued paid leave may be substituted in connection with:

''(1) The birth of a son or daughter, and to care for the newborn child (See 825.120); or

''(2) The placement of a son or daughter with the employee for adoption or foster care and the care of such son or daughter (See 825.121);

''(c) *Leave connected to birth or placement.* For unpaid leave described in paragraph (b) of this section, an employee may elect to substitute—

''(1) Up to 12 workweeks of paid parental leave in connection with the occurrence of a birth or placement, and

''(2) Any additional paid annual, vacation, personal, family, medical, or sick leave provided by the employing office to such employee.

''(d) *Leave entitlement.* Since an employee may use only 12 weeks of unpaid FMLA leave in any 12-month period under 825.200(a), any use of unpaid FMLA leave not associated with paid parental leave may affect an employee's ability to use the full 12 weeks of paid parental leave within a single 12-month period. The specific amount of paid parental leave available will depend on when the employee uses various types of unpaid FMLA leave relative to any 12-month period established under 825.200(b).

''(e) *Employee entitlement to substitute.* (1) An employee is entitled to substitute paid leave for leave without pay as provided in paragraph (c) of this section.

''(2) An employing office may not require that an employee first use all or any portion of the leave described in subparagraph (c)(2) of this section before being allowed to use the leave described in subparagraph (c)(1) of this section.

''(3) An employing office may not require an employee to substitute paid leave for leave without pay as described in subparagraph (c)(2) of this section.

''(4) An employee may request to use annual, vacation, personal, family, medical, or sick leave for the reasons described in paragraph (b) of this section without invoking family and medical leave, and, in that case, the employing office exercises its normal authority with respect to approving or disapproving the timing of when the leave may be used. If the employing office grants the leave request, it must designate whether any leave granted is FMLA leave, in accordance with sections 825.300 and 825.301.

''(f) *Notification by employee and retroactive substitution.* (1) An employee must notify the employing office of the employee's election to substitute paid leave for leave without pay under this section prior to the date such paid leave commences (i.e., no retroactive substitution), except as provided in paragraphs (f)(2) and (f)(3) of this section, and provided such retroactive substitution does not violate any applicable law or regulation.

''(2) An employee may retroactively substitute paid leave for leave without pay as permitted in paragraph (c) of this section, if the substitution is made in conjunction with the retroactive granting of leave without pay.

''(3) An employee may retroactively substitute transferred (donated) annual leave for leave without pay granted under this subpart.

''(g) *Pay during leave.* The pay an employee receives when using paid parental leave shall be the same pay the employee would receive if the employee were using annual leave.

''(h) *Treatment of unused leave.* If an employee has any unused balance of paid parental leave that remains at the end of the 12-month period following the birth or placement involved, the entitlement to the unused leave elapses at that time. No payment may be made for unused paid parental leave that has expired. Paid parental leave may not be considered annual leave for purposes of making a lump-sum payment for annual leave or for any other purpose. The forfeiture of any unused balance of paid parental leave does not impact an employee's ability to use unpaid FMLA leave for other qualifying reasons, if eligible pursuant to 825.110, 825.112 and 825.200.

''(i) *Employing office responsibilities.* An employing office that has employees covered by this subpart is responsible for the proper administration of 825.208, including the responsibility of informing employees of their entitlements and obligations.

''(j) *Library of Congress.* The OCWR will defer to supplemental regulations on paid parental leave issued by the Library of Congress pursuant to the authority in section 107 of the Family and Medical Leave Act of 1993, provided those supplemental regulations are consistent with the regulations in this subpart.

''(k) *Work obligation.* Paid parental leave under this subpart shall apply without regard to:

''(1) the limitations in subparagraphs (E), (F), or (G) of section 6382(d)(2) of title 5, United States Code (requiring employees of executive branch agencies to agree in writing to work for the executive branch agency for at least 12 months after returning from leave); or

''(2) the limitations in 825.213 (permitting employing offices to recover an amount equal to the total amount of government contributions for maintaining such employee's health coverage if the employee fails to return from leave).

''(l) *Cases of employee incapacitation.* (1) If an employing office determines that an otherwise eligible employee who could have made an election for a past leave period to substitute paid parental leave (as provided in paragraph (c) of this section) was physically or mentally incapable of doing so during that past period, the employee may, within 5 workdays of the employee's return to duty status, make an election to substitute paid parental leave for applicable unpaid FMLA leave under paragraph (c) of this section on a retroactive basis, provided such retroactive substitution does not violate any applicable law or regulation. Such a retroactive election shall be effective on the date that such an election would have been effective if the employee had not been incapacitated at the time.

''(2) If an employing office learns that an otherwise eligible employee is physically or mentally incapable of making an election to substitute paid parental leave (as provided in 825.207), the employing office must, upon the request of a personal representative of the employee, provide conditional approval of substitution of paid parental leave for applicable unpaid FMLA leave on a prospective basis. The conditional approval is based on the presumption that the employee would have elected to substitute paid parental leave for the applicable unpaid FMLA leave. An employee may, within 5 workdays of the employee's return to duty status, request to substitute other leave for the paid parental leave.

''(m) *Cases of multiple children born or placed in the same time period.* (1) If an employee has multiple children born or placed on the same day, the multiple-child birth/placement event is considered to be a single event that triggers a single entitlement of up to 12 weeks of paid parental leave under paragraph (d) of this section.

''(2) If an employee has one or more children born or placed during the 12-month period following the date of an earlier birth or placement of a child of the employee, the provisions of this subpart shall be independently administered for each birth or placement event.

''§ 825.209 Maintenance of employee benefits

''(a) During any FMLA leave, an employing office must maintain the employee's coverage under the Federal Employees Health Benefits Program or any group health plan (as defined in the Internal Revenue Code of 1986 at 26 U.S.C. 5000(b)(1)) on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period. All employing offices are subject to the requirements of the FMLA, as made applicable by the CAA, to maintain health coverage. The definition of group health plan is set forth in 825.102. For purposes of FMLA, the term group health plan shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that:

''(1) No contributions are made by the employing office;

''(2) Participation in the program is completely voluntary for employees;

''(3) The sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

''(4) The employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and

''(5) The premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

''(b) The same group health plan benefits provided to an employee prior to taking FMLA leave must be maintained during the FMLA leave. For example, if family member coverage is provided to an employee, family member coverage must be maintained during the FMLA leave. Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., must be maintained during leave if provided in an employing office's group health plan, including a supplement to a group health plan, whether or not provided through a flexible spending account or other component of a cafeteria plan.

''(c) If an employing office provides a new health plan or benefits or changes health benefits or plans while an employee is on FMLA leave, the employee is entitled to the new or changed plan/benefits to the same extent as if the employee were not on leave.

For example, if an employing office changes a group health plan so that dental care becomes covered under the plan, an employee on FMLA leave must be given the same opportunity as other employees to receive (or obtain) the dental care coverage. Any other plan changes (e.g., in coverage, premiums, deductibles, etc.) which apply to all employees of the workforce would also apply to an employee on FMLA leave.

''(d) Notice of any opportunity to change plans or benefits must also be given to an employee on FMLA leave. If the group health plan permits an employee to change from single to family coverage upon the birth of a child or otherwise add new family members, such a change in benefits must be made available while an employee is on FMLA leave. If the employee requests the changed coverage it must be provided by the employing office.

''(e) An employee may choose not to retain group health plan coverage during FMLA leave. However, when an employee returns from leave, the employee is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc. See 825.212(c).

''(f) Except as required by the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) or 5 U.S.C. 8905a, whichever is applicable, and for key employees (as discussed below), an employing office's obligation to maintain health benefits during leave (and to restore the employee to the same or equivalent employment) under FMLA ceases if and when the employment relationship would have terminated if the employee had not taken FMLA leave (e.g., if the employee's position is eliminated as part of a nondiscriminatory reduction in force and the employee would not have been transferred to another position); an employee informs the employing office of his or her intent not to return from leave (including before starting the leave if the employing office is so informed before the leave starts); or the employee fails to return from leave or continues on leave after exhausting his or her FMLA leave entitlement in the 12-month period.

''(g) If a key employee (See 825.218) does not return from leave when notified by the employing office that substantial or grievous economic injury will result from his or her reinstatement, the employee's entitlement to group health plan benefits continues unless and until the employee advises the employing office that the employee does not desire restoration to employment at the end of the leave period, or the FMLA leave entitlement is exhausted, or reinstatement is actually denied.

''(h) An employee's entitlement to benefits other than group health benefits during a period of FMLA leave (e.g., holiday pay) is to be determined by the employing office's established policy for providing such benefits when the employee is on other forms of leave (paid or unpaid, as appropriate).

''§ 825.210 Employee payment of group health benefit premiums

''(a) Group health plan benefits must be maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the FMLA leave period. Therefore, any share of group health plan premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. If premiums are raised or lowered, the employee would be required to pay the new premium rates. Maintenance of health insurance policies which are not a part of the employing office's group health plan, as described in 825.209(a), are the sole responsibility of the employee. The employee and the insurer should make necessary arrangements for payment of premiums during periods of unpaid FMLA leave.

''(b) If the FMLA leave is substituted paid leave, the employee's share of premiums must be paid by the method normally used during any paid leave, presumably as a payroll deduction.

''(c) If FMLA leave is unpaid, the employing office has a number of options for obtaining payment from the employee. The employing office may require that payment be made to the employing office or to the insurance carrier, but no additional charge may be added to the employee's premium payment for administrative expenses. The employing office may require employees to pay their share of premium payments in any of the following ways:

''(1) Payment would be due at the same time as it would be made if by payroll deduction;

''(2) Payment would be due on the same schedule as payments are made under COBRA or 5 U.S.C. 8905a, whichever is applicable;

''(3) Payment would be prepaid pursuant to a cafeteria plan at the employee's option;

''(4) The employing office's existing rules for payment by employees on leave without pay would be followed, provided that such rules do not require prepayment (i.e., prior to the commencement of the leave) of the premiums that will become due during a period of unpaid FMLA leave or payment of higher premiums than if the employee had continued to work instead of taking leave; or

''(5) Another system voluntarily agreed to between the employing office and the employee, which may include prepayment of premiums (e.g., through increased payroll deductions when the need for the FMLA leave is foreseeable).

''(d) The employing office must provide the employee with advance written notice of the terms and conditions under which these payments must be made. See 825.300(c).

''(e) An employing office may not require more of an employee using unpaid FMLA leave than the employing office requires of other employees on leave without pay.

''(f) An employee who is receiving payments as a result of a workers' compensation injury must make arrangements with the employing office for payment of group health plan benefits when simultaneously taking FMLA leave. See 825.207(e).

''§ 825.211 Maintenance of benefits under multi-employer health plans

''(a) A multi-employer health plan is a plan to which more than one employing office is required to contribute, and which is maintained pursuant to one or more collective bargaining agreements between employee organization(s) and the employing offices.

''(b) An employing office under a multi-employer plan must continue to make contributions on behalf of an employee using FMLA leave as though the employee had been continuously employed, unless the plan contains an explicit FMLA provision for maintaining coverage such as through pooled contributions by all employing offices party to the plan.

''(c) During the duration of an employee's FMLA leave, coverage by the group health plan, and benefits provided pursuant to the plan, must be maintained at the level of coverage and benefits which were applicable to the employee at the time FMLA leave commenced.

''(d) An employee using FMLA leave cannot be required to use banked hours or pay a greater premium than the employee would have been required to pay if the employee had been continuously employed.

''(e) As provided in 825.209(f) of this part, group health plan coverage must be maintained for an employee on FMLA leave until:

''(1) The employee's FMLA leave entitlement is exhausted;

''(2) The employing office can show that the employee would have been laid off and the employment relationship terminated; or

''(3) The employee provides unequivocal notice of intent not to return to work.

''§ 825.212 Employee failure to pay health plan premium payments

''(a)(1) In the absence of an established employing office policy providing a longer grace period, an employing office's obligations to maintain health insurance coverage cease under FMLA if an employee's premium payment is more than 30 days late. In order to drop the coverage for an employee whose premium payment is late, the employing office must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. If the employing office has established policies regarding other forms of unpaid leave that provide for the employing office to cease coverage retroactively to the date the unpaid premium payment was due, the employing office may drop the employee from coverage retroactively in accordance with that policy, provided the 15-day notice was given. In the absence of such a policy, coverage for the employee may be terminated at the end of the 30-day grace period, where the required 15-day notice has been provided.

''(2) An employing office has no obligation regarding the maintenance of a health insurance policy which is not a group health plan. See 825.209(a).

''(3) All other obligations of an employing office under FMLA would continue; for example, the employing office continues to have an obligation to reinstate an employee upon return from leave.

''(b) The employing office may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which the employing office maintains health coverage by paying the employee's share after the premium payment is missed.

''(c) If coverage lapses because an employee has not made required premium payments, upon the employee's return from FMLA leave the employing office must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed, including family or dependent coverage. See 825.215(d)(1)–(5). In such case, an employee may not be required to meet any qualification requirements imposed by the plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement of coverage. If an employing office terminates an employee's insurance in accordance with this section and fails to restore the employee's health insurance as required by this section upon the employee's return, the employing office may be liable for benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable relief tailored to the harm suffered.

"§ 825.213 Employing office recovery of benefit costs

''(a) In addition to the circumstances discussed in 825.212(b), and subject to the exceptions provided in 825.208(k), an employing office may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to:

''(1) The continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under FMLA; or

''(2) Other circumstances beyond the employee's control. Examples of other circumstances beyond the employee's control are necessarily broad. They include such situations as where a parent chooses to stay home with a newborn child who has a serious health condition; an employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's worksite; a relative or individual other than a covered family member has a serious health condition and the employee is needed to provide care; the employee is laid off while on leave; or, the employee is a key employee who decides not to return to work upon being notified of the employing office's intention to deny restoration because of substantial and grievous economic injury to the employing office's operations and is not reinstated by the employing office. Other circumstances beyond the employee's control would not include a situation where an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care, or a parent chooses not to return to work to stay home with a well, newborn child.

''(3) When an employee fails to return to work because of the continuation, recurrence, or onset of either a serious health condition of the employee or employee's family member, or a serious injury or illness of a covered servicemember, thereby precluding the employing office from recovering its (share of) health benefit premium payments made on the employee's behalf during a period of unpaid FMLA leave, the employing office may require medical certification of the employee's or the family member's serious health condition or the covered servicemember's serious injury or illness. Such certification is not required unless requested by the employing office. The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification. The employee is required to provide medical certification in a timely manner which, for purposes of this section, is within 30 days from the date of the employing office's request. For purposes of medical certification, the employee may use the optional forms developed for this purpose. See 825.306(b), 825.310(c)–(d) and Forms A, B, and F. If the employing office requests medical certification and the employee does not provide such certification in a timely manner (within 30 days), or the reason for not returning to work does not meet the test of other circumstances beyond the employee's control, the employing office may recover 100 percent of the health benefit premiums it paid during the period of unpaid FMLA leave.

''(b) Under some circumstances an employing office may elect to maintain other benefits, e.g., life insurance, disability insurance, etc., by paying the employee's (share of) premiums during periods of unpaid FMLA leave. For example, to ensure the employing office can meet its responsibilities to provide equivalent benefits to the employee upon return from unpaid FMLA leave, it may be necessary that premiums be paid continuously to avoid a lapse of coverage. If the employing office elects to maintain such benefits during the leave, at the conclusion of leave, the employing office is entitled to recover only the costs incurred for paying the employee's share of any premiums whether or not the employee returns to work.

''(c) An employee who returns to work for at least 30 calendar days is considered to have returned to work. An employee who transfers directly from taking FMLA leave to retirement, or who retires during the first 30 days after the employee returns to work, is deemed to have returned to work.

''(d) When an employee elects or an employing office requires paid leave to be substituted for FMLA leave, the employing office may not recover its (share of) health insurance or other non-health benefit premiums for any period of FMLA leave covered by paid leave. Because paid leave provided under a plan covering temporary disabilities (including workers' compensation) is not unpaid, recovery of health insurance premiums does not apply to such paid leave.

''(e) The amount that self-insured employing offices may recover is limited to only the employing office's share of allowable premiums as would be calculated under COBRA, excluding the two percent fee for administrative costs.

''(f) When an employee fails to return to work, any health and non-health benefit premiums which this section of the regulations permits an employing office to recover are a debt owed by the non-returning employee to the employing office. The existence of this debt caused by the employee's failure to return to work does not alter the employing office's responsibilities for health benefit coverage and, under a self-insurance plan, payment of claims incurred during the period of FMLA leave. To the extent recovery is allowed, the employing office may recover the costs through deduction from any sums due to the employee (e.g., unpaid wages, vacation pay, etc.), provided such deductions do not otherwise violate applicable wage payment or other laws. Alternatively, the employing office may initiate legal action against the employee to recover such costs.

"§ 825.214 Employee right to reinstatement

''*General Rule*. On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. See also 825.106(e) for the obligations of employing offices that are joint employers.

"§ 825.215 Equivalent position

''(a) *Equivalent position*. An equivalent position is one that is virtually identical to the employee's former position in terms of pay, benefits, and working conditions, including privileges, prerequisites, and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

''(b) *Conditions to qualify*. If an employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license, etc., as a result of the leave, the employee shall be given a reasonable opportunity to fulfill those conditions upon return to work.

''(c) *Equivalent Pay*. (1) An employee is entitled to any unconditional pay increases which may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted in accordance with the employing office's policy or practice with respect to other employees on an equivalent leave status for a reason that does not qualify as FMLA leave. An employee is entitled to be restored to a position with the same or equivalent pay premiums, such as a shift differential. If an employee departed from a position averaging ten hours of overtime (and corresponding overtime pay) each week, an employee is ordinarily entitled to such a position on return from FMLA leave.

''(2) Equivalent pay includes any bonus or payment, whether it is discretionary or non-discretionary, made to employees consistent with the provisions of paragraph (c)(1) of this section. However, if a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied, unless otherwise paid to employees on an equivalent leave status for a reason that does not qualify as FMLA leave. For example, if an employee who used paid vacation leave for a non-FMLA purpose would receive the payment, then the employee who used paid vacation leave for an FMLA-protected purpose also must receive the payment.

''(d) *Equivalent benefits*. Benefits include all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office through an employee benefit plan.

''(1) At the end of an employee's FMLA leave, benefits must be resumed in the same manner and at the same levels as provided when the leave began, and subject to any changes in benefit levels that may have taken place during the period of FMLA leave affecting the entire work force, unless otherwise elected by the employee. Upon return from FMLA leave, an employee cannot be required to requalify for any benefits the employee enjoyed before FMLA leave began (including family or dependent coverages). For example, if an employee was covered by a life insurance policy before taking leave but is not covered or coverage lapses during the period of unpaid FMLA leave, the employee cannot be required to meet any qualifications, such as taking a physical examination, in order to requalify for life insurance upon return from leave. Accordingly, some employing offices may find it necessary to modify life insurance and other benefits programs in order to restore employees to equivalent benefits upon return from FMLA leave, make arrangements for continued payment of costs to maintain such benefits during unpaid FMLA leave, or pay these costs subject to recovery from the employee on return from leave. See 825.213(b).

''(2) An employee may, but is not entitled to, accrue any additional benefits or seniority during unpaid FMLA leave. Benefits accrued at the time leave began, however, (e.g., paid vacation, sick or personal leave to the extent not substituted for FMLA leave) must be available to an employee upon return from leave.

''(3) If, while on unpaid FMLA leave, an employee desires to continue life insurance, disability insurance, or other types of benefits for which he or she typically pays, the employing office is required to follow established policies or practices for continuing such benefits for other instances of leave without pay. If the employing office has no established policy, the employee and the employing office are encouraged to agree upon arrangements before FMLA leave begins.

''(4) With respect to pension and other retirement plans, any period of unpaid FMLA leave shall not be treated as or counted toward a break in service for purposes of vesting and eligibility to participate. Also, if the plan requires an employee to be employed on a specific date in order to be credited with a year of service for vesting, contributions or participation purposes, an employee on unpaid FMLA leave on that date shall be deemed to have been employed on that date. However, unpaid FMLA leave periods need not be treated as credited service for purposes of benefit accrual, vesting and eligibility to participate.

''(5) Employees on unpaid FMLA leave are to be treated as if they continued to work for purposes of changes to benefit plans. They are entitled to changes in benefits plans, except those which may be dependent upon seniority or accrual during the leave period, immediately upon return from leave or to the same extent they would have qualified if no leave had been taken. For example if the benefit plan is predicated on a pre-established number of hours worked each year and the employee does not have sufficient hours as a result of taking unpaid FMLA leave, the benefit is lost. (In this regard, 825.209 addresses health benefits.)

''(e) *Equivalent terms and conditions of employment*. An equivalent position must have substantially similar duties, conditions, responsibilities, privileges, and status as the employee's original position.

''(1) The employee must be reinstated to the same or a geographically proximate worksite (i.e., one that does not involve a significant increase in commuting time or distance) from where the employee had previously been employed. If the employee's original worksite has been closed, the employee is entitled to the same rights as if the employee had not been on leave when the worksite closed. For example, if an employing office transfers all employees from a closed worksite to a new worksite in a different city, the employee on leave is also entitled to transfer under the same conditions as if he or she had continued to be employed.

''(2) The employee is ordinarily entitled to return to the same shift or the same or an equivalent work schedule.

''(3) The employee must have the same or an equivalent opportunity for bonuses, and other similar discretionary and non-discretionary payments.

''(4) FMLA does not prohibit an employing office from accommodating an employee's request to be restored to a different shift, schedule, or position which better suits the employee's personal needs on return from leave, or to offer a promotion to a better position. However, an employee cannot be induced by the employing office to accept a different position against the employee's wishes.

''(f) *De minimis exception*. The requirement that an employee be restored to the same or equivalent job with the same or equivalent pay, benefits, and terms and conditions of employment does not extend to de minimis, intangible, or unmeasurable aspects of the job.

''§ 825.216 Limitations on an employee's right to reinstatement

''(a) An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. An employing office must be able to show that an employee would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment. For example:

''(1) If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employing office's responsibility to continue FMLA leave, maintain group health plan benefits and restore the employee ceases at the time the employee is laid off, provided the employing office has no continuing obligations under a collective bargaining agreement or otherwise. An employing office would have the burden of proving that an employee would have been laid off during the FMLA leave period and, therefore, would not be entitled to restoration. Restoration to a job slated for lay-off when the employee's original position is not would not meet the requirements of an equivalent position.

''(2) If a shift has been eliminated, or overtime has been decreased, an employee would not be entitled to return to work that shift or the original overtime hours upon restoration. However, if a position on, for example, a night shift has been filled by another employee, the employee is entitled to return to the same shift on which employed before taking FMLA leave.

''(3) If an employee was hired for a specific term or only to perform work on a discrete project, the employing office has no obligation to restore the employee if the employment term or project is over and the employing office would not otherwise have continued to employ the employee. On the other hand, if an employee was hired to perform work for one employing office for a specific time period, and after that time period has ended, the work was assigned to another employing office, the successor employing office may be required to restore the employee if it is a successor employing office.

''(b) In addition to the circumstances explained above, an employing office may deny job restoration to salaried eligible employees (key employees, as defined in 825.217(c)), if such denial is necessary to prevent substantial and grievous economic injury to the operations of the employing office; or may delay restoration to an employee who fails to provide a fitness-for-duty certificate to return to work under the conditions described in 825.312.

''(c) If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition or an injury or illness also covered by workers' compensation, the employee has no right to restoration to another position under the FMLA. The employing office's obligations may, however, be governed by the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA. See 825.702.

''(d) An employee who fraudulently obtains FMLA leave from an employing office is not protected by the job restoration or maintenance of health benefits provisions of the FMLA, as made applicable by the CAA.

''(e) If the employing office has a uniformly-applied policy governing outside or supplemental employment, such a policy may continue to apply to an employee while on FMLA leave. An employing office which does not have such a policy may not deny benefits to which an employee is entitled under FMLA, as made applicable by the CAA, on this basis unless the FMLA leave was fraudulently obtained as in paragraph (d) of this section.

''§ 825.217 Key employee, general rule

''(a) A key employee is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employing office within 75 miles of the employee's worksite.

''(b) The term salaried means paid on a salary basis, within the meaning of the Board's FLSA regulations at part 541, implementing section 203 of the CAA (2 U.S.C. 1313), regarding employees who may qualify as exempt from the minimum wage and overtime requirements of the FLSA, as made applicable by the CAA.

''(c) A key employee must be among the highest paid 10 percent of all the employees—both salaried and non-salaried, eligible and ineligible—who are employed by the employing office within 75 miles of the worksite.

''(1) In determining which employees are among the highest paid 10 percent, year-to-date earnings are divided by weeks worked by the employee (including weeks in which paid leave was taken). Earnings include wages, premium pay, incentive pay, and non-discretionary and discretionary bonuses. Earnings do not include incentives whose value is determined at some future date, e.g., benefits or prerequisites.

''(2) The determination of whether a salaried employee is among the highest paid 10 percent shall be made at the time the employee gives notice of the need for leave. No more than 10 percent of the employing office's employees within 75 miles of the worksite may be key employees.

''§ 825.218 Substantial and grievous economic injury

''(a) In order to deny restoration to a key employee, an employing office must determine that the restoration of the employee to employment will cause substantial and grievous economic injury to the operations of the employing office, not whether the absence of the employee will cause such substantial and grievous injury.

''(b) An employing office may take into account its ability to replace on a temporary basis (or temporarily do without) the employee on FMLA leave. If permanent replacement is unavoidable, the cost of then reinstating the employee can be considered in evaluating whether substantial and grievous economic injury will occur from restoration; in other words, the effect on the operations of the employing office of reinstating the employee in an equivalent position.

''(c) A precise test cannot be set for the level of hardship or injury to the employing office which must be sustained. If the reinstatement of a key employee threatens the economic viability of the employing office, that would constitute substantial and grievous economic injury. A lesser injury which causes substantial, long-term economic injury would also be sufficient. Minor inconveniences and costs that the employing office would experience in the normal course would certainly not constitute substantial and grievous economic injury.

''(d) FMLA's substantial and grievous economic injury standard is different from and more stringent than the undue hardship test under the ADA, as made applicable by the CAA. See also 825.702.

''§ 825.219 Rights of a key employee

''(a) An employing office that believes that reinstatement may be denied to a key employee, must give written notice to the employee at the time the employee gives notice of the need for FMLA leave (or when FMLA leave commences, if earlier) that he or she qualifies as a key employee. At the same time, the employing office must also fully inform the employee of the potential consequences with respect to reinstatement and maintenance of health benefits if the employing office should determine that substantial and grievous economic injury to the employing office's operations will result if the employee is reinstated from FMLA leave. If such notice cannot be given immediately because of the need to determine whether the employee is a key employee, it shall be given as soon as practicable after being notified of a need for leave (or the commencement of leave, if earlier). It is expected that in most circumstances there will be no desire that an employee be denied restoration after FMLA leave and, therefore, there would be no need to provide such notice. However, an employing office who fails to provide such timely notice will lose its right to deny restoration even if substantial and grievous economic injury will result from reinstatement.

''(b) As soon as an employing office makes a good faith determination, based on the facts available, that substantial and grievous economic injury to its operations will result if a key employee who has given notice of the need for FMLA leave or is using FMLA leave is reinstated, the employing office shall notify the employee in writing of its determination, that it cannot deny FMLA leave, and that it intends to deny restoration to employment on completion of the FMLA leave. It is anticipated that an employing office will ordinarily be able to give such notice prior to the employee starting leave. The employing office must serve this notice either in person or by certified mail. This notice must explain the basis for the employing office's finding that substantial and grievous economic injury will result, and, if leave has commenced, must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.

''(c) If an employee on leave does not return to work in response to the employing office's notification of intent to deny restoration, the employee continues to be entitled to maintenance of health benefits and the employing office may not recover its cost of health benefit premiums. A key employee's rights under FMLA continue unless and until the employee either gives notice that he or she no longer wishes to return to work, or the employing office actually denies reinstatement at the conclusion of the leave period.

''(d) After notice to an employee has been given that substantial and grievous economic injury will result if the employee is reinstated to employment, an employee is still entitled to request reinstatement at the end of the leave period even if the employee did not return to work in response to the employing office's notice. The employing office must then again determine whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the employing office shall notify the employee in writing (in person or by certified mail) of the denial of restoration.

''§ 825.220 Protection for employees who request leave or otherwise assert FMLA rights

''(a) The FMLA, as made applicable by the CAA, prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. More specifically, the law contains the following employee protections:

''(1) An employing office is prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA, as made applicable by the CAA.

''(2) An employing office is prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) for opposing or complaining about any unlawful practice under the FMLA, as made applicable by the CAA.

''(3) All employing offices are prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) because that covered employee has—

''(A) Filed any claim, or has instituted (or caused to be instituted) any proceeding under or related to the FMLA, as made applicable by the CAA;

''(B) Given, or is about to give, any information in connection with an inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA;

''(C) Testified, or is about to testify, in any inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA.

''(b) Any violations of the FMLA, as made applicable by the CAA, or of these regulations constitute interfering with, restraining, or denying the exercise of rights provided by the FMLA, as made applicable by the CAA. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. See 825.400(b). Interfering with the exercise of an employee's rights would include, for example, not only refusing to authorize FMLA leave, but discouraging an employee from using such leave. It would also include manipulation by a covered employing office to avoid responsibilities under FMLA, for example:

''(1) 【Reserved】

''(2) Changing the essential functions of the job in order to preclude the taking of leave; or

''(3) Reducing hours available to work in order to avoid employee eligibility.

''(c) The FMLA's prohibition against interference prohibits an employing office from discriminating or retaliating against an employee or prospective employee for having exercised or attempted to exercise FMLA rights. For example, if an employee on leave without pay would otherwise be entitled to full benefits (other than health benefits), the same benefits would be required to be provided to an employee on unpaid FMLA leave. By the same token, employing offices cannot use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions or disciplinary actions; nor can FMLA leave be counted under no fault attendance policies. See 825.215.

''(d) Employees cannot waive, nor may employing offices induce employees to waive, their rights under FMLA. For example, employees (or their collective bargaining representatives) cannot trade off the right to take FMLA leave against some other benefit offered by the employing office. Except for settlement agreements covered by 1414 and/or 1415 of the Congressional Accountability Act, this does not prevent the settlement or release of FMLA claims by employees based on past employing office conduct without the approval of the Office of Congressional Workplace Rights or a court. Nor does it prevent an employee's voluntary and uncoerced acceptance (not as a condition of employment) of a light duty assignment while recovering from a serious health condition. See 825.702(d). An employee's acceptance of such light duty assignment does not constitute a waiver of the employee's prospective rights, including the right to be restored to the same position the employee held at the time the employee's FMLA leave commenced or to an equivalent position. The employee's right to restoration, however, ceases at the end of the applicable 12-month FMLA leave year.

''(e) Covered employees, and not merely eligible employees, are protected from retaliation for opposing (e.g., filing a complaint about) any practice which is unlawful under the FMLA, as made applicable by the CAA. They are similarly protected if they oppose any practice which they reasonably believe to be a violation of the FMLA, as made applicable by the CAA, or regulations.

''Subpart C—Employee and Employing Office Rights and Obligations Under The FMLA, As Made Applicable by the CAA

''§ 825.300 Employing office notice requirements

''(a)(1) If an employing office has any eligible employees and has any written guidance to employees concerning employee benefits or leave rights, such as in an employee handbook, information concerning both entitlements and employee obligations under the FMLA, as made applicable by the CAA, must be included in the handbook or other document. For example, if an employing office provides an employee handbook to all employees that describes the employing office's policies regarding leave, wages, attendance, and similar matters, the handbook must incorporate information on FMLA rights and responsibilities and the employing office's policies regarding the FMLA, as made applicable by the CAA. Informational publications describing the provisions of the FMLA, as made applicable by the CAA, are available from the Office of Congressional Workplace Rights and may be incorporated in such employing office handbooks or written policies.

''(2) If such an employing office does not have written policies, manuals, or handbooks describing employee benefits and leave provisions, the employing office shall provide written guidance to an employee concerning all the employee's rights and obligations under the FMLA, as made applicable by the CAA. This notice shall be provided to employees each time notice is given pursuant to paragraph (c), and in accordance with the provisions of that paragraph. Employing offices may duplicate and provide the employee a copy of the FMLA Fact Sheet available from the Office of Congressional Workplace Rights to provide such guidance.

''(b) *Eligibility notice.* (1) When an employee requests FMLA leave, or when the employing office acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the employing office must notify the employee of the employee's eligibility to take FMLA leave within five business days, absent extenuating circumstances. See 825.110 for definition of an eligible employee. Employee eligibility is determined (and notice must be provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable 12–month period. See 825.127(c) and 825.200(b). All FMLA absences for the same qualifying reason are considered a single leave and employee eligibility as to that reason for leave does not change during the applicable 12-month period.

''(2) The eligibility notice must state whether the employee is eligible for FMLA leave as defined in 825.110. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible, including as applicable the number of months the employee has been employed by the employing office and the hours of service with the employing office during the 12-month period. Notification of eligibility may be oral or in writing; employing offices may use Form C to provide such notification to employees.

''(3) If, at the time an employee provides notice of a subsequent need for FMLA leave during the applicable 12-month period due to a different FMLA-qualifying reason, and the employee's eligibility status has not changed, no additional eligibility notice is required. If, however, the employee's eligibility status has changed (e.g., if the employee has not met the hours of service requirement in the 12 months preceding the commencement of leave for the subsequent qualifying reason), the employing office must notify the employee of the change in eligibility status within five business days, absent extenuating circumstances.

''(c) *Rights and responsibilities notice.* (1) Employing offices shall provide written notice detailing the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. This notice shall be provided to the employee each time the eligibility notice is provided pursuant to paragraph (b) of this section. If leave has already begun, the notice should be mailed to the employee's address of record. Such specific notice must include, as appropriate:

''(A) That the leave may be designated and counted against the employee's annual FMLA leave entitlement if qualifying (See 825.300(c) and 825.301) and the applicable 12-month period for FMLA entitlement (See 825.127(c), 825.200(b), (f), and (g));

''(B) Any requirements for the employee to furnish certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of covered active duty or call to covered active duty status, and the consequences of failing to do so (See 825.305, 825.309, 825.310, 825.313);

''(C) If applicable, the employee's right to substitute paid parental leave for unpaid FMLA leave for a birth or placement (See 825.208) and the employee's right to substitute paid leave generally, whether the employing office will require the substitution of paid leave, the conditions related to any substitution, and the employee's entitlement to take unpaid FMLA leave if the employee does not meet the conditions for paid leave (See 825.207);

''(D) Any requirement for the employee to make any premium payments to maintain health benefits and the arrangements for making such payments (See 825.210), and the possible consequences of failure to make such payments on a timely basis (i.e., the circumstances under which coverage may lapse);

''(E) The employee's status as a key employee and the potential consequence that restoration may be denied following FMLA leave, explaining the conditions required for such denial (See 825.218);

''(F) The employee's right to maintenance of benefits during the FMLA leave and restoration to the same or an equivalent job upon return from FMLA leave (See 825.214 and 825.604); and

''(G) The employee's potential liability for payment of health insurance premiums paid by the employing office during the employee's unpaid FMLA leave if the employee fails to return to work after taking FMLA leave (See 825.213, 825.208(k)).

''(2) The notice of rights and responsibilities may include other information—e.g., whether the employing office will require periodic reports of the employee's status and intent to return to work—but is not required to do so.

''(3) The notice of rights and responsibilities may be accompanied by any required certification form.

''(4) If the specific information provided by the notice of rights and responsibilities changes, the employing office shall, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, provide written notice referencing the prior notice and setting forth any of the information in the notice of rights and responsibilities that has changed. For example, if the initial leave period was paid leave and the subsequent leave period would be unpaid leave, the employing office may need to give notice of the arrangements for making premium payments.

''(5) Employing offices are also expected to responsively answer questions from employees concerning their rights and responsibilities under the FMLA, as made applicable under the CAA.

''(6) A prototype notice of rights and responsibilities may be obtained in Form C, or from the Office of Congressional Workplace Rights. Employing offices may adapt the prototype notice as appropriate to meet these notice requirements. The notice of rights and responsibilities may be distributed electronically so long as it otherwise meets the requirements of this section.

''(d) *Designation notice.* (1) The employing office is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee as provided in this section. When the employing office has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the employing office must notify the employee whether the leave will be designated and will be counted as FMLA leave within five business days absent extenuating circumstances. Only one notice of designation is required for each FMLA-qualifying reason per applicable 12-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave. If the employing office determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the employing office must notify the employee of that determination. Subject to 825.208, if the employing office requires paid leave to be substituted for unpaid FMLA leave, or that paid leave taken under an existing leave plan be counted as FMLA leave, the employing office must inform the employee of this designation at the time of designating the FMLA leave.

''(2) If the employing office has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the employing office may provide the employee with the designation notice at that time.

''(3) If the employing office will require the employee to present a fitness-for-duty certification to be restored to employment, the employing office must provide notice of such requirement with the designation notice. If the employing office will require that the fitness-for-duty certification address the employee's ability to perform the essential functions of the employee's position, the employing office must so indicate in the designation notice, and must include a list of the essential functions of the employee's position. See 825.312. If the employing office's handbook or other written documents (if any) describing the employing office's leave policies clearly provide that a fitness-for-duty certification will be required in specific circumstances (e.g., by stating that fitness-for-duty certification will be required in all cases of back injuries for employees in a certain occupation), the employing office is not required to provide written notice of the requirement with the designation notice, but must provide oral notice no later than with the designation notice.

''(4) The designation notice must be in writing. A prototype designation notice is contained in Form D which may be obtained from the Office of Congressional Workplace Rights. If the leave is not designated as FMLA leave because it does not meet the requirements of the FMLA, as made applicable by the CAA, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement. The designation notice may be distributed electronically so long as it otherwise meets the requirements of this section and the employing office can demonstrate that the employee (who may already be on leave and who may not have access to employing office-provided computers) has access to the information electronically.

''(5) If the information provided by the employing office to the employee in the designation notice changes (e.g., the employee exhausts the FMLA leave entitlement), the employing office shall provide, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

''(6) The employing office must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement and, if applicable, the employee's paid parental leave entitlement. If the amount of leave needed is known at the time the employing office designates the leave as FMLA-qualifying, the employing office must notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the designation notice. If it is not possible to provide the hours, days, or weeks that will be counted against the employee's FMLA leave entitlement (such as in the case of unforeseeable intermittent leave), then the employing office must provide notice of the amount of leave counted against the employee's FMLA leave entitlement and, if applicable, paid parental leave entitlement, upon the request by the employee, but no more often than once in a 30–day period and only if leave was taken in that period. The notice of the amount of leave counted against the employee's FMLA entitlement and, if applicable, paid parental leave entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing no later than the following payday (unless the payday is less than one week after the oral notice, in which case the notice must be no later than the subsequent payday). Such written notice may be in any form, including a notation on the employee's pay stub.

''(e) *Consequences of failing to provide notice.* Failure to follow the notice requirements set forth in this section may constitute an interference with, restraint, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. See 825.400(b).

''§ 825.301 Designation of FMLA leave

''(a) *Employing office responsibilities.* The employing office's decision to designate leave as FMLA-qualifying must be based only on information received from the employee or the employee's spokesperson (e.g., if the employee is incapacitated, the employee's spouse, adult child, parent, doctor, etc., may provide notice to the employing office of the need to take FMLA leave). In any circumstance where the employing office does not have sufficient information about the reason for an employee's use of leave, the employing office should inquire further of the employee or the spokesperson to ascertain whether leave is potentially FMLA-qualifying. Once the employing office has acquired knowledge that the leave is being taken for a FMLA-qualifying reason, the employing office must notify the employee as provided in 825.300(d).

''(b) *Employee responsibilities.* An employee giving notice of the need for FMLA leave does not need to expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA to meet his or her obligation to provide notice, though the employee would need to state a qualifying reason for the needed leave and otherwise satisfy the notice requirements set forth in 825.302 or 825.303 depending on whether the need for leave is foreseeable or unforeseeable. An employee giving notice of the need for FMLA leave must explain the reasons for the needed leave so as to allow the employing office to determine whether the leave qualifies under the FMLA, as made applicable by the CAA. If the employee fails to explain the reasons, leave may be denied. In many cases, in explaining the reasons for a request to use leave, especially when the need for the leave was unexpected or unforeseen, an employee will provide sufficient information for the employing office to designate the leave as FMLA leave. An employee using accrued paid leave may in some cases not spontaneously explain the reasons or their plans for using their accrued leave. However, if an employee requesting to use paid leave for a FMLA-qualifying reason does not explain the reason for the leave and the employing office denies the employee's request, the employee will need to provide sufficient information to establish a FMLA-qualifying reason for the needed leave so that the employing office is aware that the leave may not be denied and may designate that the paid leave be appropriately counted against (substituted for) the employee's FMLA leave entitlement. Similarly, an employee using accrued paid vacation leave who seeks an extension of unpaid leave for a FMLA-qualifying reason will need to state the reason. If this is due to an event which occurred during the period of paid leave, the employing office may count the leave used after the FMLA-qualifying reason against the employee's FMLA leave entitlement.

''(c) *Disputes.* If there is a dispute between an employing office and an employee as to whether leave qualifies as FMLA leave, it should be resolved through discussions between the employee and the employing office. Such discussions and the decision must be documented.

''(d) *Retroactive designation.* Subject to 825.208, if an employing office does not designate leave as required by 825.300, the employing office may retroactively designate leave as FMLA leave with appropriate notice to the employee as required by 825.300 provided that the employing office's failure to timely designate leave does not cause harm or injury to the employee. In all cases where leave would qualify for FMLA protections, an employing office and an employee can mutually agree that leave be retroactively designated as FMLA leave.

''(e) *Remedies.* If an employing office's failure to timely designate leave in accordance with 825.300 causes the employee to suffer harm, it may constitute an interference with, restraint of, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. See 825.400(b). For example, if an employing office that was put on notice that an employee needed FMLA leave failed to designate the leave properly, but the employee's own serious health condition prevented him or her from returning to work during that time period regardless of the designation, an employee may not be able to show that the employee suffered harm as a result of the employing office's actions. However, if an employee took leave to provide care for a son or daughter with a serious health condition believing it would not count toward his or her FMLA entitlement, and the employee planned to later use that FMLA leave to provide care for a spouse who would need assistance when recovering from surgery planned for a later date, the employee may be able to show that harm has occurred as a result of the employing office's failure to designate properly. The employee might establish this by showing that he or she would have arranged for an alternative caregiver for the seriously-ill son or daughter if the leave had been designated timely.

''§ 825.302 Employee notice requirements for foreseeable FMLA leave

''(a) *Timing of notice.* An employee must provide the employing office at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. For example, an employee's health condition may require leave to commence earlier than anticipated before the birth of a child. Similarly, little opportunity for notice may be given before placement for adoption. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable. Whether FMLA leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise the employing office as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. In those cases where the employee is required to provide at least 30 days' notice of foreseeable leave and does not do so, the employee shall explain the reasons why such notice was not practicable upon a request from the employing office for such information.

''(b) As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. In all cases, however, the determination of when an employee could practicably provide notice must take into account the individual facts and circumstances.

''(c) *Content of notice.* An employee shall provide at least verbal notice sufficient to make the employing office aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. Depending on the situation, such information may include that a condition renders the employee unable to perform the functions of the job; that the employee is pregnant or has been hospitalized overnight; whether the employee or the employee's family member is under the continuing care of a health care provider; if the leave is due to a qualifying exigency, that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), and that the requested leave is for one of the reasons listed in 825.126(b); if the leave is for a family member, that the condition renders the family member unable to perform daily activities, or that the family member is a covered servicemember with a serious injury or illness; and the anticipated duration of the absence, if known. When an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA. When an employee seeks leave due to a FMLA-qualifying reason, for which the employing office has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave. In all cases, the employing office should inquire further of the employee if it is necessary to have more information about whether FMLA leave is being sought by the employee, and obtain the necessary details of the leave to be taken. In the case of medical conditions, the employing office may find it necessary to inquire further to determine if the leave is because of a serious health condition and may request medical certification to support the need for such leave. See 825.305. An employing office may also request certification to support the need for leave for a qualifying exigency or for military caregiver leave. See 825.309, 825.310. When an employee has been previously certified for leave due to more than one FMLA-qualifying reason, the employing office may need to inquire further to determine for which qualifying reason the leave is needed. An employee has an obligation to respond to an employing office's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable employing office inquiries regarding the leave request may result in denial of FMLA protection if the employing office is unable to determine whether the leave is FMLA-qualifying.

''(d) *Complying with the employing office policy.* An employing office may require an employee to comply with the employing office's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. For example, an employing office may require that written notice set forth the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave. An employee also may be required by an employing office's policy to contact a specific individual. Unusual circumstances would include situations such as when an employee is unable to comply with the employing office's policy that requests for leave should be made by contacting a specific number because on the day the employee needs to provide notice of his or her need for FMLA leave there is no one to answer the call-in number and the voice mail box is full. Where an employee does not comply with the employing office's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied. However, FMLA-protected leave may not be delayed or denied where the employing office's policy requires notice to be given sooner than set forth in paragraph (a) of this section and the employee provides timely notice as set forth in paragraph (a) of this section.

''(e) *Scheduling planned medical treatment.* When planning medical treatment, the employee must consult with the employing office and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employing office's operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with their employing offices prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the employing office and the employee. For example, if an employee who provides notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglects to consult with the employing office to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the employing office's operations, the employing office may initiate discussions with the employee and require the employee to attempt to make such arrangements, subject to the approval of the health care provider. See 825.203 and 825.205.

''(f) Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the employing office, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and employing office shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the employing office's operations, subject to the approval of the health care provider.

''(g) An employing office may waive employees' FMLA notice requirements. See 825.304(e).

''§ 825.303 Employee notice requirements for unforeseeable FMLA leave

''(a) *Timing of notice.* When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the employing office as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employing office's usual and customary notice requirements applicable to such leave. See 825.303(c). Notice may be given by the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally. For example, if an employee's child has a severe asthma attack and the employee takes the child to the emergency room, the employee would not be required to leave his or her child in order to report the absence while the child is receiving emergency treatment. However, if the child's asthma attack required only the use of an inhaler at home followed by a period of rest, the employee would be expected to call the employing office promptly after ensuring the child has used the inhaler.

''(b) *Content of notice.* An employee shall provide sufficient information for an employing office to reasonably determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that a condition renders the employee unable to perform the functions of the job; that the employee is pregnant or has been hospitalized overnight; whether the employee or the employee's family member is under the continuing care of a health care provider; if the leave is due to a qualifying exigency, that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), that the requested leave is for one of the reasons listed in 825.126(b), and the anticipated duration of the absence; or if the leave is for a family member that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness; and the anticipated duration of the absence, if known. When an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA. When an employee seeks leave due to a qualifying reason, for which the employing office has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. Calling in 'sick' without providing more information will not be considered sufficient notice to trigger an employing office's obligations under the FMLA, as made applicable by the CAA. The employing office will be expected to obtain any additional required information through informal means. An employee has an obligation to respond to an employing office's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable employing office inquiries office regarding the leave request may result in denial of FMLA protection if the employing office is unable to determine whether the leave is FMLA-qualifying.

''(c) *Complying with employing office policy.* When the need for leave is not foreseeable, an employee must comply with the employing office's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. For example, an employing office may require employees to call a designated number or a specific individual to request leave. However, if an employee requires emergency medical treatment, he or she would not be required to follow the call-in procedure until his or her condition is stabilized and he or she has access to, and is able to use, a phone. Similarly, in the case of an emergency requiring leave because of a FMLA-qualifying reason, written advance notice pursuant to an employing office's internal rules and procedures may not be required when FMLA leave is involved. If an employee does not comply with the employing office's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.

''§ 825.304 Employee failure to provide notice

''(a) *Proper notice required.* In all cases, in order for the onset of an employee's FMLA leave to be delayed due to lack of required notice, it must be clear that the employee had actual notice of the FMLA notice requirements. This condition would be satisfied by the employing office's proper posting, at the worksite where the employee is employed, of the information regarding the FMLA provided (pursuant to section 301(h)(2) of the CAA, 2 U.S.C. 1381(h)(2)) by the Office of Congressional Workplace Rights to the employing office in a manner suitable for posting.

''(b) *Foreseeable leave—30 days.* When the need for FMLA leave is foreseeable at least 30 days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employing office may delay FMLA coverage until 30 days after the date the employee provides notice. The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee 30 days in advance of the leave. For example, knowledge that an employee would receive a telephone call about the availability of a child for adoption at some unknown point in the future would not be sufficient to establish the leave was clearly foreseeable 30 days in advance.

''(c) *Foreseeable leave—less than 30 days.* When the need for FMLA leave is foreseeable fewer than 30 days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employing office may delay FMLA coverage for leave depends on the facts of the particular case. For example, if an employee reasonably should have given the employing office two weeks' notice but instead only provided one week's notice, then the employing office may delay FMLA-protected leave for one week (thus, if the employing office elects to delay FMLA coverage and the employee nonetheless takes leave one week after providing the notice (i.e., a week before the two week notice period has been met) the leave will not be FMLA-protected).

''(d) *Unforeseeable leave.* When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with 825.303, the extent to which an employing office may delay FMLA coverage for leave depends on the facts of the particular case. For example, if it would have been practicable for an employee to have given the employing office notice of the need for leave very soon after the need arises consistent with the employing office's policy, but instead the employee provided notice two days after the leave began, then the employing office may delay FMLA coverage of the leave by two days.

''(e) *Waiver of notice.* An employing office may waive employees' FMLA notice obligations or the employing office's own internal rules on leave notice requirements. If an employing office does not waive the employee's obligations under its internal leave rules, the employing office may take appropriate action under its internal rules and procedures for failure to follow its usual and customary notification rules, absent unusual circumstances, as long as the actions are taken in a manner that does not discriminate against employees taking FMLA leave and the rules are not inconsistent with 825.303(a).

''§ 825.305 Certification, general rule

''(a) *General.* An employing office may require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. An employing office may also require that an employee's leave because of a qualifying exigency or to care for a covered servicemember with a serious injury or illness be supported by a certification, as described in 825.309 and 825.310, respectively. An employing office must give notice of a requirement for certification each time a certification is required; such notice must be written notice whenever required by 825.300(c). An employing office's oral request to an employee to furnish any subsequent certification is sufficient.

''(b) *Timing.* In most cases, the employing office should request that an employee furnish certification at the time the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave commences. The employing office may request certification at some later date if the employing office later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to the employing office within 15 calendar days after the employing office's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts or the employing office provides more than 15 calendar days to return the requested certification.

''(c) *Complete and sufficient certification.* The employee must provide a complete and sufficient certification to the employing office if required by the employing office in accordance with 825.306, 825.309, and 825.310. The employing office shall advise an employee whenever the employing office finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. A certification is considered incomplete if the employing office receives a certification, but one or more of the applicable entries have not been completed. A certification is considered insufficient if the employing office receives a complete certification, but the information provided is vague, ambiguous, or non-responsive. The employing office must provide the employee with seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure any such deficiency. If the deficiencies specified by the employing office are not cured in the resubmitted certification, the employing office may deny the taking of FMLA leave, in accordance with 825.313. A certification that is not returned to the employing office is not considered incomplete or insufficient, but constitutes a failure to provide certification.

''(d) *Consequences*. At the time the employing office requests certification, the employing office must also advise an employee of the anticipated consequences of an employee's failure to provide adequate certification. If the employee fails to provide the employing office with a complete and sufficient certification, despite the opportunity to cure the certification as provided in paragraph (c) of this section, or fails to provide any certification, the employing office may deny the taking of FMLA leave, in accordance with 825.313. It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the employing office to support the employee's FMLA request. This provision will apply in any case where an employing office requests a certification permitted by these regulations, whether it is the initial certification, a recertification, a second or third opinion, or a fitness-for-duty certificate, including any clarifications necessary to determine if such certifications are authentic and sufficient. See 825.306, 825.307, 825.308, and 825.312. (e) Annual medical certification. Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year (as defined in 825.200), the employing office may require the employee to provide a new medical certification in each subsequent leave year. Such new medical certifications are subject to the provisions for authentication and clarification set forth in 825.307, including second and third opinions.

''§ 825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member

''(a) *Required information*. When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, an employing office may require an employee to obtain a medical certification from a health care provider that sets forth the following information:

''(1) The name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;

''(2) The approximate date on which the serious health condition commenced, and its probable duration;

''(4) If the employee is the patient, information sufficient to establish that the employee cannot perform the essential functions of the employee's job as well as the nature of any other work restrictions, and the likely duration of such inability (See 825.123(b));

''(5) If the patient is a covered family member with a serious health condition, information sufficient to establish that the family member is in need of care, as described in 825.124, and an estimate of the frequency and duration of the leave required to care for the family member;

''(6) If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment of the employee's or a covered family member's serious health condition, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and duration of such treatments and any periods of recovery;

''(7) If an employee requests leave on an intermittent or reduced schedule basis for the employee's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the frequency and duration of the episodes of incapacity; and

''(8) If an employee requests leave on an intermittent or reduced schedule basis to care for a covered family member with a serious health condition, a statement that such leave is medically necessary to care for the family member, as described in 825.124 and 825.203(b), which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required leave.

''(b) The Office of Congressional Workplace Rights has developed two optional forms (Form A and Form B) for use in obtaining medical certification, including second and third opinions, from health care providers that meets FMLA's certification requirements, as made applicable by the CAA. (See Forms A and B.) Optional Form A is for use when the employee's need for leave is due to the employee's own serious health condition. Optional Form B is for use when the employee needs leave to care for a family member with a serious health condition. These optional forms reflect certification requirements so as to permit the health care provider to furnish appropriate medical information. Forms A and B are modeled closely on Form WH–380E and Form WH–380F, as revised, which were developed by the Department of Labor (See 29 C.F.R. Part 825). The employing office may use the Office of Congressional Workplace Rights's forms, or Form WH–380E and Form WH–380F, as revised, or another form containing the same basic information; however, no information may be required beyond that specified in 825.306, 825.307, and 825.308. In all instances the information on the form must relate only to the serious health condition for which the current need for leave exists.

''(c) If an employee is on FMLA leave running concurrently with a workers' compensation absence, and the provisions of the workers' compensation statute permit the employing office or the employing office's representative to request additional information from the employee's workers' compensation health care provider, the FMLA does not prevent the employing office from following the applicable workers' compensation provisions and information received under those provisions may be considered in determining the employee's entitlement to FMLA-protected leave. Similarly, an employing office may request additional information in accordance with a paid leave policy or disability plan that requires greater information to qualify for payments or benefits, provided that the employing office informs the employee that the additional information only needs to be provided in connection with receipt of such payments or benefits. Any information received pursuant to such policy or plan may be considered in determining the employee's entitlement to FMLA-protected leave. If the employee fails to provide the information required for receipt of such payments or benefits, such failure will not affect the employee's entitlement to take unpaid FMLA leave. See 825.207(a).

''(d) If an employee's serious health condition may also be a disability within the meaning of the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA, the FMLA does not prevent the employing office from following the procedures for requesting medical information under the ADA. Any information received pursuant to these procedures may be considered in determining the employee's entitlement to FMLA-protected leave.

''(e) While an employee may choose to comply with the certification requirement by providing the employing office with an authorization, release, or waiver allowing the employing office to communicate directly with the health care provider of the employee or his or her covered family member, the employee may not be required to provide such an authorization, release, or waiver. In all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave. See 825.305(d).

''§ 825.307 Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions

''(a) *Clarification and authentication*. (1) If an employee submits a complete and sufficient certification signed by the health care provider, the employing office may not request additional information from the health care provider. However, the employing office may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the employing office has given the employee an opportunity to cure any deficiencies as set forth in 825.305(c). To make such contact, the employing office must use a health care provider, a human resources professional, a leave administrator, or a management official. An employee's direct supervisor may not contact the employee's health care provider, unless the direct supervisor is also the only individual in the employing office designated to process FMLA requests and the direct supervisor receives specific authorization from the employee to contact the employee's health care provider. For purposes of these regulations, authentication means providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document; no additional medical information may be requested.

''(2) Clarification means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response. Employing offices may not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, (See 45 C.F.R. parts 160 and 164), which governs the privacy of individually-identifiable health information created or held by HIPAA-covered entities, must be satisfied when individually-identifiable health information of an employee is shared with an employing office by a HIPAA-covered health care provider. If an employee chooses not to provide the employing office with authorization allowing the employing office to clarify the certification with the health care provider, and does not otherwise clarify the certification, the employing office may deny the taking of FMLA leave if the certification is unclear. See 825.305(d). It is the employee's responsibility to provide the employing office with a complete and sufficient certification and to clarify the certification if necessary.

''(b) *Second Opinion.* (1) An employing office that has reason to doubt the validity of a medical certification may require the employee to obtain a second opinion at the employing office's expense. Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to the benefits of the FMLA, as made applicable by the CAA, including maintenance of group health benefits. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under the employing office's established leave policies. In addition, the consequences set forth in 825.305(d) will apply if the employee or the employee's family member fails to authorize his or her health care provider to release all relevant medical information pertaining to the serious health condition at issue if requested by the health care provider designated to provide a second opinion in order to render a sufficient and complete second opinion.

''(2) The employing office is permitted to designate the health care provider to furnish the second opinion, but the selected health care provider may not be employed on a regular basis by the employing office. The employing office may not regularly contract with or otherwise regularly utilize the services of the health care provider furnishing the second opinion unless the employing office is located in an area where access to health care is extremely limited (e.g., a rural area where no more than one or two doctors practice in the relevant specialty in the vicinity).

''(c) *Third opinion.* If the opinions of the employee's and the employing office's designated health care providers differ, the employing office may require the employee to obtain certification from a third health care provider, again at the employing office's expense. This third opinion shall be final and binding. The third health care provider must be designated or approved jointly by the employing office and the employee. The employing office and the employee must each act in good faith to attempt to reach agreement on whom to select for the third opinion provider. If the employing office does not attempt in good faith to reach agreement, the employing office will be bound by the first certification. If the employee does not attempt in good faith to reach agreement, the employee will be bound by the second certification. For example, an employee who refuses to agree to see a doctor in the specialty in question may be failing to act in good faith. On the other hand, an employing office that refuses to agree to any doctor on a list of specialists in the appropriate field provided by the employee and whom the employee has not previously consulted may be failing to act in good faith. In addition, the consequences set forth in 825.305(d) will apply if the employee or the employee's family member fails to authorize his or her health care provider to release all relevant medical information pertaining to the serious health condition at issue if requested by the health care provider designated to provide a third opinion in order to render a sufficient and complete third opinion.

''(d) *Copies of opinions.* The employing office is required to provide the employee with a copy of the second and third medical opinions, where applicable, upon request by the employee. Requested copies are to be provided within five business days unless extenuating circumstances prevent such action.

''(e) *Travel expenses.* If the employing office requires the employee to obtain either a second or third opinion the employing office must reimburse an employee or family member for any reasonable 'out of pocket' travel expenses incurred to obtain the second and third medical opinions. The employing office may not require the employee or family member to travel outside normal commuting distance for purposes of obtaining the second or third medical opinions except in very unusual circumstances.

''(f) *Medical certification abroad.* In circumstances in which the employee or a family member is visiting in another country, or a family member resides in another country, and a serious health condition develops, the employing office shall accept a medical certification as well as second and third opinions from a health care provider who practices in that country. Where a certification by a foreign health care provider is in a language other than English, the employee must provide the employing office with a written translation of the certification upon request.

''§ 825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member

''(a) *30-day rule.* An employing office may request recertification no more often than every 30 days and only in connection with an absence by the employee, unless paragraphs (b) or (c) of this section apply.

''(b) *More than 30 days.* If the medical certification indicates that the minimum duration of the condition is more than 30 days, an employing office must wait until that minimum duration expires before requesting a recertification, unless paragraph (c) of this section applies. For example, if the medical certification states that an employee will be unable to work, whether continuously or on an intermittent basis, for 40 days, the employing office must wait 40 days before requesting a recertification. In all cases, an employing office may request a recertification of a medical condition every six months in connection with an absence by the employee. Accordingly, even if the medical certification indicates that the employee will need intermittent or reduced schedule leave for a period in excess of six months (e.g., for a lifetime condition), the employing office would be permitted to request recertification every six months in connection with an absence.

''(c) *Less than 30 days.* An employing office may request recertification in less than 30 days if:

''(1) The employee requests an extension of leave;

''(2) Circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence, the nature or severity of the illness, complications). For example, if a medical certification stated that an employee would need leave for one to two days when the employee suffered a migraine headache and the employee's absences for his or her last two migraines lasted four days each, then the increased duration of absence might constitute a significant change in circumstances allowing the employing office to request a recertification in less than 30 days. Likewise, if an employee had a pattern of using unscheduled FMLA leave for migraines in conjunction with his or her scheduled days off, then the timing of the absences also might constitute a significant change in circumstances sufficient for an employing office to request a recertification more frequently than every 30 days; or

''(3) The employing office receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. For example, if an employee is on FMLA leave for four weeks due to the employee's knee surgery, including recuperation, and the employee plays in company softball league games during the employee's third week of FMLA leave, such information might be sufficient to cast doubt upon the continuing validity of the certification allowing the employing office to request a recertification in less than 30 days.

''(d) *Timing.* The employee must provide the requested recertification to the employing office within the time frame requested by the employing office (which must allow at least 15 calendar days after the employing office's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

''(e) *Content.* The employing office may ask for the same information when obtaining recertification as that permitted for the original certification as set forth in 825.306. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or adequate authorization to the health care provider) in the recertification process as in the initial certification process. See 825.305(d). As part of the information allowed to be obtained on recertification for leave taken because of a serious health condition, the employing office may provide the health care provider with a record of the employee's absence pattern and ask the health care provider if the serious health condition and need for leave is consistent with such a pattern.

''(f) Any recertification requested by the employing office shall be at the employee's expense unless the employing office provides otherwise. No second or third opinion on recertification may be required.

''§ 825.309 Certification for leave taken because of a qualifying exigency

''(a) *Active Duty Orders.* The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of a military member (See 825.126(a)), an employing office may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the military member's covered active duty service. This information need only be provided to the employing office once. A copy of new active duty orders or other documentation issued by the military may be required by the employing office if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of the same or a different military member;

''(b) *Required information.* An employing office may require that leave for any qualifying exigency specified in 825.126 be supported by a certification from the employee that sets forth the following information:

''(1) A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave. Such facts should include information on the type of qualifying exigency for which leave is requested and any available written documentation which supports the request for leave; such documentation, for example, may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs;

''(2) The approximate date on which the qualifying exigency commenced or will commence;

''(3) If an employee requests leave because of a qualifying exigency for a single, continuous period of time, the beginning and end dates for such absence;

''(4) If an employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency;

''(5) If the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting (such as the name, title, organization, address, telephone number, fax number, and email address) and a brief description of the purpose of the meeting; and

''(6) If the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates that the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

''(c) The Office of Congressional Workplace Rights has developed an optional form (Form E) for employees' use in obtaining a certification that meets FMLA's certification requirements. This optional form reflects certification requirements so as to permit the employee to furnish appropriate information to support his or her request for leave because of a qualifying exigency. Form E, or Form WH–384 (developed by the Department of Labor), or another form containing the same basic information, may be used by the employing office; however, no information may be required beyond that specified in this section.

''(d) *Verification.* If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the employing office may not request additional information from the employee. However, if the qualifying exigency involves meeting with a third party, the employing office may contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the employing office. An employing office also may contact an appropriate unit of the Department of Defense to request verification that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty); no additional information may be requested and the employee's permission is not required.

''§ 825.310 Certification for leave taken to care for a covered servicemember (military caregiver leave)

''(a) *Required information from health care provider.* When leave is taken to care for a covered servicemember with a serious injury or illness, an employing office may require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember. For purposes of leave taken to care for a covered servicemember, any one of the following health care providers may complete such a certification:

''(1) A United States Department of Defense ('DOD') health care provider;

''(2) A United States Department of Veterans Affairs ('VA') health care provider;

''(3) A DOD TRICARE network authorized private health care provider;

''(4) A DOD non-network TRICARE authorized private health care provider; or

''(5) Any health care provider as defined in 825.125.

''(b) If the authorized health care provider is unable to make certain military-related determinations outlined below, the authorized health care provider may rely on determinations from an authorized DOD representative (such as a DOD recovery care coordinator) or an authorized VA representative. An employing office may request that the health care provider provide the following information:

''(1) The name, address, and appropriate contact information (telephone number, fax number, and/or email address) of the health care provider, the type of medical practice, the medical specialty, and whether the health care provider is one of the following:

''(A) A DOD health care provider;

''(B) A VA health care provider;

''(C) A DOD TRICARE network authorized private health care provider;

''(D) A DOD non-network TRICARE authorized private health care provider; or

''(E) A health care provider as defined in 825.125.

''(2) Whether the covered servicemember's injury or illness was incurred in the line of duty on active duty or, if not, whether the covered servicemember's injury or illness existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty on active duty;

''(3) The approximate date on which the serious injury or illness commenced, or was aggravated, and its probable duration;

''(4) A statement or description of appropriate medical facts regarding the covered servicemember's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave.

''(A) In the case of a current member of the Armed Forces, such medical facts must include information on whether the injury or illness may render the covered servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating and whether the member is receiving medical treatment, recuperation, or therapy;

''(B) In the case of a covered veteran, such medical facts must include:

''(i) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is the continuation of an injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating; or

''(ii) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and that such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

''(iii) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

''(iv) Documentation of enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

''(5) Information sufficient to establish that the covered servicemember is in need of care, as described in 825.124, and whether the covered servicemember will need care for a single continuous period of time, including any time for treatment and recovery, and an estimate as to the beginning and ending dates for this period of time;

''(6) If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment appointments for the covered servicemember, whether there is a medical necessity for the covered servicemember to have such periodic care and an estimate of the treatment schedule of such appointments;

''(7) If an employee requests leave on an intermittent or reduced schedule basis to care for a covered servicemember other than for planned medical treatment (e.g., episodic flare-ups of a medical condition), whether there is a medical necessity for the covered servicemember to have such periodic care, which can include assisting in the covered servicemember's recovery, and an estimate of the frequency and duration of the periodic care.

''(c) Required information from employee and/ or covered servicemember. In addition to the information that may be requested under 825.310(b), an employing office may also request that such certification set forth the following information provided by an employee and/or covered servicemember:

''(1) The name and address of the employing office of the employee requesting leave to care for a covered servicemember, the name of the employee requesting such leave, and the name of the covered servicemember for whom the employee is requesting leave to care;

''(2) The relationship of the employee to the covered servicemember for whom the employee is requesting leave to care;

''(3) Whether the covered servicemember is a current member of the Armed Forces, the National Guard or Reserves, and the covered servicemember's military branch, rank, and current unit assignment;

''(4) Whether the covered servicemember is assigned to a military medical facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit), and the name of the medical treatment facility or unit;

''(5) Whether the covered servicemember is on the temporary disability retired list;

''(6) Whether the covered servicemember is a veteran, the date of separation from military service, and whether the separation was other than dishonorable. The employing office may require the employee to provide documentation issued by the military which indicates that the covered servicemember is a veteran, the date of separation, and that the separation is other than dishonorable. Where an employing office requires such documentation, an employee may provide a copy of the veteran's Certificate of Release or Discharge from Active Duty issued by the U.S. Department of Defense (DD Form 214) or other proof of veteran status. See 825.127(c)(2).

''(7) A description of the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care.

''(d) The Office of Congressional Workplace Rights has developed an optional form (Form F) for employees' use in obtaining certification that meets FMLA's certification requirements. This optional form reflects certification requirements so as to permit the employee to furnish appropriate information to support his or her request for leave to care for a covered servicemember with a serious injury or illness. Form F, or Form WH–385 (developed by the Department of Labor), or another form containing the same basic information, may be used by the employing office; however, no information may be required beyond that specified in this section. In all instances the information on the certification must relate only to the serious injury or illness for which the current need for leave exists. An employing office may seek authentication and/or clarification of the certification under 825.307. Second and third opinions under 825.307 are not permitted for leave to care for a covered servicemember when the certification has been completed by one of the types of healthcare providers identified in section 825.310(a)(1–4). However, second and third opinions under 825.307 are permitted when the certification has been completed by a health care provider as defined in 825.125 that is not one of the types identified in 825.310(a)(1)–(4). Additionally, recertifications under 825.308 are not permitted for leave to care for a covered servicemember. An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) of the FMLA.

''(e) An employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification, in lieu of the Office of Congressional Workplace Rights's optional certification form (Form F) or an employing office's own certification form, invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill servicemember at his or her bedside. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave may not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary. An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

''(1) If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, an employing office may request that the employee have one of the authorized health care providers listed under 825.310(a) complete the Office of Congressional Workplace Rights optional certification form (Form F) or an employing office's own form, as requisite certification for the remainder of the employee's necessary leave period.

''(2) An employing office may seek authentication and clarification of the ITO or ITA under 825.307. An employing office may not utilize the second or third opinion process outlined in 825.307 or the recertification process under 825.308 during the period of time in which leave is supported by an ITO or ITA.

''(3) An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) when an employee supports his or her request for FMLA leave with a copy of an ITO or ITA.

''(f) An employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification of the servicemember's serious injury or illness documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. Such documentation is sufficient certification of the servicemember's serious injury or illness to support the employee's request for military caregiver leave regardless of whether the employee is the named caregiver in the enrollment documentation.

''(1) An employing office may seek authentication and clarification of the documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers under 825.307. An employing office may not utilize the second or third opinion process outlined in 825.307 or the recertification process under 825.308 when the servicemember's serious injury or illness is shown by documentation of enrollment in this program.

''(2) An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) when an employee supports his or her request for FMLA leave with a copy of such enrollment documentation. An employing office may also require an employee to provide documentation, such as a veteran's Form DD–214, showing that the discharge was other than dishonorable and the date of the veteran's discharge.

''(g) Where medical certification is requested by an employing office, an employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good-faith efforts to obtain such documents. See 825.305(b). In all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave. See 825.305(d).

''§ 825.311 Intent to return to work

''(a) An employing office may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The employing office's policy regarding such reports may not be discriminatory and must take into account all of the relevant facts and circumstances related to the individual employee's leave situation.

''(b) If an employee gives unequivocal notice of intent not to return to work, the employing office's obligations under FMLA, as made applicable by the CAA, to maintain health benefits (subject to COBRA requirements) and to restore the employee cease. However, these obligations continue if an employee indicates he or she may be unable to return to work but expresses a continuing desire to do so.

''(c) It may be necessary for an employee to take more leave than originally anticipated. Conversely, an employee may discover after beginning leave that the circumstances have changed and the amount of leave originally anticipated is no longer necessary. An employee may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave. In both of these situations, the employing office may require that the employee provide the employing office reasonable notice (i.e., within two business days) of the changed circumstances where foreseeable. The employing office may also obtain information on such changed circumstances through requested status reports.

''§ 825.312 Fitness-for-duty certification

''(a) As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, an employing office may have a uniformly-applied policy or practice that requires all similarly-situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or providing sufficient authorization to the health care provider to provide the information directly to the employing office) in the fitness-for-duty certification process as in the initial certification process. See 825.305(d).

''(b) An employing office may seek a fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. The certification from the employee's health care provider must certify that the employee is able to resume work. Additionally, an employing office may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. In order to require such a certification, an employing office must provide an employee with a list of the essential functions of the employee's job no later than with the designation notice required by 825.300(d), and must indicate in the designation notice that the certification must address the employee's ability to perform those essential functions. If the employing office satisfies these requirements, the employee's health care provider must certify that the employee can perform the identified essential functions of his or her job. Following the procedures set forth in 825.307(a), the employing office may contact the employee's health care provider for purposes of clarifying and authenticating the fitness-for-duty certification. Clarification may be requested only for the serious health condition for which FMLA leave was taken. The employing office may not delay the employee's return to work while contact with the health care provider is being made. No second or third opinions on a fitness-for-duty certification may be required.

''(c) The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

''(d) The designation notice required in 825.300(d) shall advise the employee if the employing office will require a fitness-for-duty certification to return to work and whether that fitness-for-duty certification must address the employee's ability to perform the essential functions of the employee's job.

''(e) An employing office may delay restoration to employment until an employee submits a required fitness-for-duty certification unless the employing office has failed to provide the notice required in paragraph (d) of this section. If an employing office provides the notice required, an employee who does not provide a fitness-for-duty certification or request additional FMLA leave is no longer entitled to reinstatement under the FMLA. See 825.313(d).

''(f) An employing office is not entitled to a certification of fitness to return to duty for each absence taken on an intermittent or reduced leave schedule. However, an employing office is entitled to a certification of fitness to return to duty for such absences up to once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took such leave. If an employing office chooses to require a fitness-for-duty certification under such circumstances, the employing office shall inform the employee at the same time it issues the designation notice that for each subsequent instance of intermittent or reduced schedule leave, the employee will be required to submit a fitness-for-duty certification unless one has already been submitted within the past 30 days. Alternatively, an employing office can set a different interval for requiring a fitness-for-duty certification as long as it does not exceed once every 30 days and as long as the employing office advises the employee of the requirement in advance of the employee taking the intermittent or reduced schedule leave. The employing office may not terminate the employment of the employee while awaiting such a certification of fitness to return to duty for an intermittent or reduced schedule leave absence. Reasonable safety concerns means a reasonable belief of significant risk of harm to the individual employee or others. In determining whether reasonable safety concerns exist, an employing office should consider the nature and severity of the potential harm and the likelihood that potential harm will occur.

''(g) If the terms of a collective bargaining agreement govern an employee's return to work, those provisions shall be applied.

''(h) Requirements under the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA, apply. After an employee returns from FMLA leave, the ADA requires any medical examination at an employing office's expense by the employing office's health care provider be job-related and consistent with business necessity. For example, an attorney could not be required to submit to a medical examination or inquiry just because her leg had been amputated. The essential functions of an attorney's job do not require use of both legs; therefore such an inquiry would not be job related. An employing office may require a warehouse laborer, whose back impairment affects the ability to lift, to be examined by an orthopedist, but may not require this employee to submit to an HIV test where the test is not related to either the essential functions of his or her job or to his/her impairment. If an employee's serious health condition may also be a disability within the meaning of the ADA, as made applicable by the CAA, the FMLA does not prevent the employing office from following the procedures for requesting medical information under the ADA.

''§ 825.313 Failure to provide certification

''(a) *Foreseeable leave.* In the case of foreseeable leave, if an employee fails to provide certification in a timely manner as required by 825.305, then an employing office may deny FMLA coverage until the required certification is provided. For example, if an employee has 15 days to provide a certification and does not provide the certification for 45 days without sufficient reason for the delay, the employing office can deny FMLA protections for the 30-day period following the expiration of the 15-day time period, if the employee takes leave during such period.

''(b) *Unforeseeable leave.* In the case of unforeseeable leave, an employing office may deny FMLA coverage for the requested leave if the employee fails to provide a certification within 15 calendar days from receipt of the request for certification unless not practicable due to extenuating circumstances. For example, in the case of a medical emergency, it may not be practicable for an employee to provide the required certification within 15 calendar days. Absent such extenuating circumstances, if the employee fails to timely return the certification, the employing office can deny FMLA protections for the leave following the expiration of the 15-day time period until a sufficient certification is provided. If the employee never produces the certification, the leave is not FMLA leave.

''(c) *Recertification.* An employee must provide recertification within the time requested by the employing office (which must allow at least 15 calendar days after the request) or as soon as practicable under the particular facts and circumstances. If an employee fails to provide a recertification within a reasonable time under the particular facts and circumstances, then the employing office may deny continuation of the FMLA leave protections until the employee produces a sufficient recertification. If the employee never produces the recertification, the leave is not FMLA leave. Recertification does not apply to leave taken for a qualifying exigency or to care for a covered servicemember.

''(d) *Fitness-for-duty certification.* When requested by the employing office pursuant to a uniformly applied policy for similarly-situated employees, the employee must provide medical certification, at the time the employee seeks reinstatement at the end of FMLA leave taken for the employee's serious health condition, that the employee is fit for duty and able to return to work (see 825.312(a)) if the employing office has provided the required notice (see 825.300(e)); the employing office may delay restoration until the certification is provided. Unless the employee provides either a fitness-for-duty certification or a new medical certification for a serious health condition at the time FMLA leave is concluded, the employee may be terminated. See also 825.213(a)(3).

''Subpart D—Administrative Process

''§ 825.400 Administrative process, general rules

''(a) The Procedural Rules of the Office of Congressional Workplace Rights set forth the procedures that apply to the administrative process for considering and resolving alleged violations of the laws made applicable by the CAA, including the FMLA. The Rules include procedures for filing claims and participating in administrative dispute resolution proceedings at the Office of Congressional Workplace Rights, including procedures for the conduct of hearings and for appeals to the Board of Directors. The Procedural Rules also address other matters of general applicability to the dispute resolution process and to the operations of the Office.

''(b) If an employing office has violated one or more provisions of FMLA, as incorporated by the CAA, and if justified by the facts of a particular case, an employee may receive one or more of the following: wages, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or, where no such tangible loss has occurred, such as when FMLA leave was unlawfully denied, any actual monetary loss sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to 26 weeks of wages for the employee in a case involving leave to care for a covered servicemember or 12 weeks of wages for the employee in a case involving leave for any other FMLA qualifying reason. In addition, the employee may be entitled to interest on such sum, calculated at the prevailing rate. An amount equaling the preceding sums may also be awarded as liquidated damages unless such amount is reduced by the hearing officer or the Board because the violation was in good faith and the employing office had reasonable grounds for believing the employer had not violated the CAA. When appropriate, the employee may also obtain appropriate equitable relief, such as employment, reinstatement and promotion. When the employing office is found in violation, the employee may recover a reasonable attorney's fee, reasonable expert witness fees, and other costs as would be appropriate if awarded under section 2000e–5(k) of title 42.

''(c) The Procedural Rules of the Office of Congressional Workplace Rights are found at 165 Cong. Rec. H4896 (daily ed. June 19, 2019) and 165 Cong. Rec. S4105 (daily ed. June 19, 2019), and may also be found on the Office's website at www.ocwr.gov.

''§ 825.401 [Reserved]

''§ 825.402 [Reserved]

''§ 825.403 [Reserved]

''§ 825.404 [Reserved]

''Subpart E—[Reserved]

''Subpart F—Special Rules Applicable to Employees of Schools

''§ 825.600 Special rules for school employees, definitions

''(a) Certain special rules apply to employees of local educational agencies, including public school boards and elementary schools under their jurisdiction, and private elementary and secondary schools. The special rules do not apply to other kinds of educational institutions, such as colleges and universities, trade schools, and preschools.

''(b) Educational institutions are covered by FMLA, as made applicable by the CAA (and these special rules). The usual requirements for employees to be eligible do apply.

''(c) The special rules affect the taking of intermittent leave or leave on a reduced leave schedule, or leave near the end of an academic term (semester), by instructional employees. Instructional employees are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include, and the special rules do not apply to, teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

''(d) Special rules which apply to restoration to an equivalent position apply to all employees of local educational agencies.

''§ 825.601 Special rules for school employees, limitations on intermittent leave

''(a) Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. An instructional employee who is on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.

''(1) If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered servicemember, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the employing office may require the employee to choose either to:

''(A) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

''(B) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

''(2) These rules apply only to a leave involving more than 20 percent of the working days during the period over which the leave extends. For example, if an instructional employee who normally works five days each week needs to take two days of FMLA leave per week over a period of several weeks, the special rules would apply. Employees taking leave which constitutes 20 percent or less of the working days during the leave period would not be subject to transfer to an alternative position. Periods of a particular duration means a block, or blocks, of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave.

''(b) If an instructional employee does not give required notice of foreseeable FMLA leave (See 825.302) to be taken intermittently or on a reduced leave schedule, the employing office may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the employing office may require the employee to delay the taking of leave until the notice provision is met.

''§ 825.602 Special rules for school employees, limitations on leave near the end of an academic term

''(a) There are also different rules for instructional employees who begin leave more than five weeks before the end of a term, less than five weeks before the end of a term, and less than three weeks before the end of a term. Regular rules apply except in circumstances when:

''(1) An instructional employee begins leave more than five weeks before the end of a term. The employing office may require the employee to continue taking leave until the end of the term if—

''(A) The leave will last at least three weeks, and

''(B) The employee would return to work during the three-week period before the end of the term.

''(2) The employee begins leave during the five-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employing office may require the employee to continue taking leave until the end of the term if—

''(A) The leave will last more than two weeks, and

''(B) The employee would return to work during the two-week period before the end of the term.

''(3) The employee begins leave during the three-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employing office may require the employee to continue taking leave until the end of the term if the leave will last more than five working days.

''(b) For purposes of these provisions, academic term means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA, as made applicable by the CAA. An example of leave falling within these provisions would be where an employee plans two weeks of leave to care for a family member which will begin three weeks before the end of the term. In that situation, the employing office could require the employee to stay out on leave until the end of the term.

''§ 825.603 Special rules for school employees, duration of FMLA leave

''(a) If an employee chooses to take leave for periods of a particular duration in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

''(b) In the case of an employee who is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. The employing office has the option not to require the employee to stay on leave until the end of the school term. Therefore, any additional leave required by the employing office to the end of the school term is not counted as FMLA leave; however, the employing office shall be required to maintain the employee's group health insurance and restore the employee to the same or equivalent job including other benefits at the conclusion of the leave.

''§ 825.604 Special rules for school employees, restoration to an equivalent position

'' The determination of how an employee is to be restored to an equivalent position upon return from FMLA leave will be made on the basis of 'established school board policies and practices, private school policies and practices, and collective bargaining agreements.' The 'established policies' and collective bargaining agreements used as a basis for restoration must be in writing, must be made known to the employee prior to the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave. Any established policy which is used as the basis for restoration of an employee to an equivalent position must provide substantially the same protections as provided in the FMLA, as made applicable by the CAA, for reinstated employees. See 825.215. In other words, the policy or collective bargaining agreement must provide for restoration to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. For example, an employee may not be restored to a position requiring additional licensure or certification.

''Subpart G—Effect of Other Laws, Employing Office Practices, and Collective Bargaining Agreements on Employee Rights Under the FMLA, As Made Applicable By the CAA

''§ 825.700 Interaction with employing office's policies

''(a) An employing office must observe any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established by the FMLA. Conversely, the rights established by the FMLA, as made applicable by the CAA, may not be diminished by any employment benefit program or plan. For example, a provision of a collective bargaining agreement (CBA) which provides for reinstatement to a position that is not equivalent because of seniority (e.g., provides lesser pay) is superseded by FMLA. If an employing office provides greater unpaid family leave rights than are afforded by FMLA, the employing office is not required to extend additional rights afforded by FMLA, such as maintenance of health benefits (other than through COBRA or 5 U.S.C. 8905a, whichever is applicable), to the additional leave period not covered by FMLA.

''(b) Nothing in the FMLA, as made applicable by the CAA, prevents an employing office from amending existing leave and employee benefit programs, provided they comply with FMLA, as made applicable by the CAA. However, nothing in the FMLA, as made applicable by the CAA, is intended to discourage employing offices from adopting or retaining more generous leave policies.

''§ 825.701 [Reserved]

''§ 825.702 Interaction with anti-discrimination laws, as applied by section 201 of the CAA

''(a) Nothing in the FMLA modifies or affects any applicable law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability (e.g., title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act and as made applicable by the CAA). FMLA's legislative history explains that FMLA is 'not intended to modify or affect the Rehabilitation Act of 1973, as amended, the regulations concerning employment which have been promulgated pursuant to that statute, or the Americans with Disabilities Act of 1990 [as amended] or the regulations issued under that act. Thus, the leave provisions of the [FMLA] are wholly distinct from the reasonable accommodation obligations of employers covered under the [ADA] . . . or the Federal government itself. The purpose of the FMLA, as applied by the CAA, is to make leave available to eligible employees and [employing offices] within its coverage, and not to limit already existing rights and protection.' S. Rep. No. 3, 103d Cong., 1st Sess. 38 (1993). An employing office must therefore provide leave under whichever statutory provision provides the greater rights to employees. When an employer violates both FMLA and a discrimination law, an employee may be able to recover under either or both statutes (double relief may not be awarded for the same loss; when remedies coincide a claimant may be allowed to utilize whichever avenue of relief is desired. *Laffey* v. *Northwest Airlines, Inc.*, 567 F.2d 429, 445 (D.C. Cir. 1976), cert. denied, 434 U.S. 1086 (1978).

''(b) If an employee is a qualified individual with a disability within the meaning of the Americans with Disabilities Act (ADA), as made applicable by the CAA, the employing office must make reasonable accommodations, etc., barring undue hardship, in accordance with the ADA. At the same time, the employing office must afford an employee his or her FMLA rights, as made applicable by the CAA. ADA's 'disability' and FMLA's 'serious health condition' are different concepts, and must be analyzed separately. FMLA entitles eligible employees to 12 weeks of leave in any 12-month period due to their own serious health condition, whereas the ADA allows an indeterminate amount of leave, barring undue hardship, as a reasonable accommodation. FMLA requires employing offices to maintain employees' group health plan coverage during FMLA leave on the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period, whereas ADA does not require maintenance of health insurance unless other employees receive health insurance during leave under the same circumstances.

''(c)(1) A reasonable accommodation under the ADA might be accomplished by providing an individual with a disability with a part-time job with no health benefits, assuming the employing office did not ordinarily provide health insurance for part-time employees. However, FMLA would permit an employee to work a reduced leave schedule until the equivalent of 12 workweeks of leave were used, with group health benefits maintained during this period. FMLA permits an employing office to temporarily transfer an employee who is taking leave intermittently or on a reduced leave schedule to an alternative position, whereas the ADA allows an accommodation of reassignment to an equivalent, vacant position only if the employee cannot perform the essential functions of the employee's present position and an accommodation is not possible in the employee's present position, or an accommodation in the employee's present position would cause an undue hardship. The examples in the following paragraphs of this section demonstrate how the two laws would interact with respect to a qualified individual with a disability.

''(2) A qualified individual with a disability who is also an eligible employee entitled to FMLA leave requests 10 weeks of medical leave as a reasonable accommodation, which the employing office grants because it is not an undue hardship. The employing office advises the employee that the 10 weeks of leave is also being designated as FMLA leave and will count towards the employee's FMLA leave entitlement. This designation does not prevent the parties from also treating the leave as a reasonable accommodation and reinstating the employee into the same job, as required by the ADA, rather than an equivalent position under FMLA, if that is the greater right available to the employee. At the same time, the employee would be entitled under FMLA to have the employing office maintain group health plan coverage during the leave, as that requirement provides the greater right to the employee.

''(3) If the same employee needed to work part-time (a reduced leave schedule) after returning to his or her same job, the employee would still be entitled under FMLA to have group health plan coverage maintained for the remainder of the two-week equivalent of FMLA leave entitlement, notwithstanding an employing office policy that part-time employees do not receive health insurance. This employee would be entitled under the ADA to reasonable accommodations to enable the employee to perform the essential functions of the part-time position. In addition, because the employee is working a part-time schedule as a reasonable accommodation, the FMLA's provision for temporary assignment to a different alternative position would not apply. Once the employee has exhausted his or her remaining FMLA leave entitlement while working the reduced (part-time) schedule, if the employee is a qualified individual with a disability, and if the employee is unable to return to the same full-time position at that time, the employee might continue to work part-time as a reasonable accommodation, barring undue hardship; the employee would then be entitled to only those employment benefits ordinarily provided by the employing office to part-time employees.

''(4) At the end of the FMLA leave entitlement, an employing office is required under FMLA to reinstate the employee in the same or an equivalent position, with equivalent pay and benefits, to that which the employee held when leave commenced. The employing office's FMLA obligations would be satisfied if the employing office offered the employee an equivalent full-time position. If the employee were unable to perform the essential functions of that equivalent position even with reasonable accommodation, because of a disability, the ADA may require the employing office to make a reasonable accommodation at that time by allowing the employee to work part-time or by reassigning the employee to a vacant position, barring undue hardship.

''(d)(1) If FMLA entitles an employee to leave, an employing office may not, in lieu of FMLA leave entitlement, require an employee to take a job with a reasonable accommodation. However, ADA may require that an employing office offer an employee the opportunity to take such a position. An employing office may not change the essential functions of the job in order to deny FMLA leave. See 825.220(b).

''(2) An employee may be on a workers' compensation absence due to an on-the-job injury or illness which also qualifies as a serious health condition under FMLA. The workers' compensation absence and FMLA leave may run concurrently (subject to proper notice and designation by the employing office). At some point the health care provider providing medical care pursuant to the workers' compensation injury may certify the employee is able to return to work in a light duty position. If the employing office offers such a position, the employee is permitted but not required to accept the position. See 825.220(d). As a result, the employee may no longer qualify for payments from the workers' compensation benefit plan, but the employee is entitled to continue on unpaid FMLA leave either until the employee is able to return to the same or equivalent job the employee left or until the 12-week FMLA leave entitlement is exhausted. See 825.207(e). If the employee returning from the workers' compensation injury is a qualified individual with a disability, he or she will have rights under the ADA, as made applicable by the CAA.

''(e) If an employing office requires certifications of an employee's fitness for duty to return to work, as permitted by FMLA under a uniform policy, it must comply with the ADA requirement that a fitness for duty physical be job-related and consistent with business necessity.

''(f) Under Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act, and as made applicable by the CAA, an employing office should provide the same benefits for women who are pregnant as the employing office provides to other employees with short-term disabilities. Because Title VII does not require employees to be employed for a certain period of time to be protected, an employee employed for less than 12 months by the employing office may not be denied maternity leave if the employing office normally provides short-term disability benefits to employees with the same tenure who are experiencing other short-term disabilities.

''(g) Under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4301, et seq., veterans are entitled to receive all rights and benefits of employment that they would have obtained if they had been continuously employed. Therefore, under USERRA, a returning servicemember would be eligible for FMLA leave if the months and hours that he or she would have worked for the civilian employing office during the period of absence due to or necessitated by USERRA-covered service, combined with the months employed and the hours actually worked, meet the FMLA eligibility threshold of 12 months of employment and the hours of service requirement. See 825.110(b)(2)(i) and (c)(2) and 825.802(c).

''(h) For further information on Federal antidiscrimination laws applied by section 201 of the CAA (2 U.S.C. 1311), including Title VII, the Rehabilitation Act, and the ADA, individuals are encouraged to contact the Office of Congressional Workplace Rights.

"Subpart H—[Reserved]".

SEC. 2. APPROVAL OF REGULATIONS RELATING TO FAIR LABOR STANDARDS ACT.

(a) IN GENERAL.—The regulations described in subsection (b) are hereby approved, insofar as such regulations apply to covered employees of the House of Representatives under the Congressional Accountability Act of 1995 and to the extent such regulations are consistent with the provisions of such Act.

(b) REGULATIONS APPROVED.—The regulations described in this subsection are the regulations issued by the Office of Congressional Workplace Rights on September 28, 2022, under section 203(c)(2) of the Congressional Accountability Act of 1995 to implement section 203 of such Act (relating to the application of overtime requirements under the Fair Labor Standards Act of 1938), as published in the Congressional Record on September 28, 2022 (Volume 168, daily edition) on pages H8203 through H8217, and stated as follows:

"PART 541—DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, AND COMPUTER [AND OUTSIDE SALES] EMPLOYEES

"Subpart A—General Regulations (§§541.0-541.4)

"§541.0 Introductory statement

''(a) Section 13(a)(1) of the Fair Labor Standards Act, as amended, provides an exemption from the Act's minimum wage and overtime requirements for any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools)[, or in the capacity of an outside sales employee, as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act.]<< and applies to covered employees by virtue of section 225(e)(1) of the CAA, as amended, 2 U.S.C. 1361(e)(1).>> Section 13(a)(17) of the Act provides an exemption from the minimum wage and overtime requirements for computer systems analysts, computer programmers, software engineers, and other similarly skilled computer employees << and applies to covered employees by virtue of section 225(e)(1) of the CAA, as amended, 2 U.S.C. 1361(e)(1)>>.

''(b) The requirements for these exemptions are contained in this part as follows: executive employees, subpart B; administrative employees, subpart C; professional employees, subpart D; computer employees, subpart E[; outside sales employees, subpart F]. Subpart G contains regulations regarding salary requirements applicable to most of the exemptions, including salary levels and the salary basis test. Subpart G also contains a provision for exempting certain highly compensated employees. Subpart H contains definitions and other miscellaneous provisions applicable to all or several of the exemptions.

''(c) Effective July 1, 1972, the Fair Labor Standards Act was amended to include within the protection of the equal pay provisions those employees exempt from the minimum wage and overtime pay provisions as bona fide executive, administrative, and professional employees (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools)[, or in the capacity of an outside sales employee under section 13(a)(1) of the Act]. The equal pay provisions in section 6(d) of the Fair Labor Standards Act are administered and enforced by the [United States Equal Employment Opportunity Commission]<<Office of Congressional Workplace Rights>>.

''§ 541.1 Terms used in regulations

''Act means the Fair Labor Standards Act of 1938, as amended. [Administrator means the Administrator of the Wage and Hour Division, United States Department of Labor. The Secretary of Labor has delegated to the Administrator the functions vested in the Secretary under sections 13(a)(1) and 13(a)(17) of the Fair Labor Standards Act.] <<CAA means Congressional Accountability Act of 1995, as amended. Office means the Office of Congressional Workplace Rights. Employee means a 'covered employee' as defined in section 101(a)(3) through (a)(8) of the CAA, 2 U.S.C. 1301(a)(3) through (a)(8), but not an 'intern' as defined in section 203(a)(2) of the CAA, 2 U.S.C. 1313(a)(2). Employer, company, business, or enterprise each mean an 'employing office' as defined in section 101(a)(9) of the CAA, 2 U.S.C. 1301(a)(9).>>

''§ 541.2 Job titles insufficient

''A job title alone is insufficient to establish the exempt status of an employee. The exempt or nonexempt status of any particular employee must be determined on the basis of whether the employee's salary and duties meet the requirements of the regulations in this part.

''§ 541.3 Scope of the section 13(a)(1) exemptions

''(a) The section 13(a)(1) exemptions and the regulations in this part do not apply to manual laborers or other 'blue collar' workers who perform work involving repetitive operations with their hands, physical skill and energy. Such nonexempt 'blue collar' employees gain the skills and knowledge required for performance of their routine manual and physical work through apprenticeships and on-the-job training, not through the prolonged course of specialized intellectual instruction required for exempt learned professional employees such as medical doctors, architects and archeologists. Thus, for example, non-management production-line employees and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers and laborers are entitled to minimum wage and overtime premium pay under the Fair Labor Standards Act, and are not exempt under the regulations in this part no matter how highly paid they might be.

''(b)(1) The section 13(a)(1) exemptions and the regulations in this part also do not apply to police officers, detectives, [deputy sheriffs, state troopers, highway patrol officers,] investigators, inspectors, [correctional officers, parole or probation officers,] park rangers, fire fighters, paramedics, emergency medical technicians, ambulance personnel, rescue workers, hazardous materials workers and similar employees, regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work.

''(2) Such employees do not qualify as exempt executive employees because their primary duty is not management of the [enterprise] <<employing office>> in which the employee is employed or a customarily recognized department or subdivision thereof as required under §541.100. Thus, for example, a police officer or fire fighter whose primary duty is to investigate crimes or fight fires is not exempt under section 13(a)(1) of the Act merely because the police officer or fire fighter also directs the work of other employees in the conduct of an investigation or fighting a fire.

''(3) Such employees do not qualify as exempt administrative employees because their primary duty is not the performance of work directly related to the management or general business operations of the employer or the employer's customers<<, constituents or stakeholders>> as required under §541.200.

''(4) Such employees do not qualify as exempt professionals because their primary duty is not the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction or the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as required under §541.300. Although some police officers, fire fighters, paramedics, emergency medical technicians and similar employees have college degrees, a specialized academic degree is not a standard prerequisite for employment in such occupations.

''§ 541.4 Other laws and collective bargaining agreements

''The Fair Labor Standards Act provides minimum standards that may be exceeded, but cannot be waived or reduced. Employers must comply, for example, with any Federal[, State or municipal] laws, regulations or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the Act. Similarly, employers, on their own initiative or under a collective bargaining agreement with a labor union, are not precluded by the Act from providing a wage higher than the statutory minimum, a shorter workweek than the statutory maximum, or a higher overtime premium (double time, for example) than provided by the Act. While collective bargaining agreements cannot waive or reduce the Act's protections, nothing in the Act or the regulations in this part relieves employers from their contractual obligations under collective bargaining agreements.

''Subpart B—Executive Employees (§§541.100-541.106)

''§ 541.100 General rule for executive employees

''(a) The term 'employee employed in a bona fide executive capacity' in section 13(a)(1) of the Act shall mean any employee:

''(1) Compensated on a salary basis pursuant to §541.600 at a rate of not less than $684 per week [(or $455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or $380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging or other facilities;

''(2) Whose primary duty is management of the [enterprise] <<employing office>> in which the employee is employed or of a customarily recognized department or subdivision thereof;

''(3) Who customarily and regularly directs the work of two or more other employees; and

''(4) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

''(b) The phrase 'salary basis' is defined at §541.602; 'board, lodging or other facilities' is defined at §541.606; 'primary duty' is defined at §541.700; and 'customarily and regularly' is defined at §541.701.

[''§ 541.101 Business owner

''The term 'employee employed in a bona fide executive capacity' in section 13(a)(1) of the Act also includes any employee who owns at least a bona fide 20-percent equity interest in the enterprise in which the employee is employed, regardless of whether the business is a corporate or other type of organization, and who is actively engaged in its management. The term 'management' is defined in §541.102. The requirements of Subpart G (salary requirements) of this part do not apply to the business owners described in this section.]

''§ 541.102 Management

''Generally, 'management' includes, but is not limited to, activities such as interviewing, selecting, and training of employees; setting and adjusting their rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used; apportioning the work among the employees; determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees or the property; planning and controlling the budget; and monitoring or implementing legal compliance measures.

''§ 541.103 Department or subdivision

''(a) The phrase 'a customarily recognized department or subdivision' is intended to distinguish between a mere collection of employees assigned from time to time to a specific job or series of jobs and a unit with permanent status and function. A customarily recognized department or subdivision must have a permanent status and a continuing function. For example, a large employer's human resources department might have subdivisions for labor relations, pensions and other benefits, equal employment opportunity, and personnel management, each of which has a permanent status and function.

''(b) When an [enterprise] <<employing office>> has more than one [establishment] <<location>>, the employee in charge of each [establishment] <<location>> may be considered in charge of a recognized subdivision of the [enterprise] <<employing office>>.

''(c) A recognized department or subdivision need not be physically within the employer's establishment and may move from place to place. The mere fact that the employee works in more than one location does not invalidate the exemption if other factors show that the employee is actually in charge of a recognized unit with a continuing function in the organization.

''(d) Continuity of the same subordinate personnel is not essential to the existence of a recognized unit with a continuing function. An otherwise exempt employee will not lose the exemption merely because the employee draws and supervises workers from a pool or supervises a team of workers drawn from other recognized units, if other factors are present that indicate that the employee is in charge of a recognized unit with a continuing function.

''§ 541.104 Two or more other employees

''(a) To qualify as an exempt executive under §541.100, the employee must customarily and regularly direct the work of two or more other employees. The phrase 'two or more other employees' means two full-time employees or their equivalent. One full-time and two half-time employees, for example, are equivalent to two full-time employees. Four half-time employees are also equivalent.

''(b) The supervision can be distributed among two, three or more employees, but each such employee must customarily and regularly direct the work of two or more other full-time employees or the equivalent. Thus, for example, a department with five full-time nonexempt workers may have up to two exempt supervisors if each such supervisor customarily and regularly directs the work of two of those workers.

''(c) An employee who merely assists the manager of a particular department and supervises two or more employees only in the actual manager's absence does not meet this requirement.

''(d) Hours worked by an employee cannot be credited more than once for different executives. Thus, a shared responsibility for the supervision of the same two employees in the same department does not satisfy this requirement. However, a full-time employee who works four hours for one supervisor and four hours for a different supervisor, for example, can be credited as a half-time employee for both supervisors.

''§ 541.105 Particular weight

''To determine whether an employee's suggestions and recommendations are given 'particular weight,' factors to be considered include, but are not limited to, whether it is part of the employee's job duties to make such suggestions and recommendations; the frequency with which such suggestions and recommendations are made or requested; and the frequency with which the employee's suggestions and recommendations are relied upon. Generally, an executive's suggestions and recommendations must pertain to employees whom the executive customarily and regularly directs. It does not include an occasional suggestion with regard to the change in status of a co-worker. An employee's suggestions and recommendations may still be deemed to have 'particular weight' even if a higher level manager's recommendation has more importance and even if the employee does not have authority to make the ultimate decision as to the employee's change in status.

''§ 541.106 Concurrent duties

''(a) Concurrent performance of exempt and nonexempt work does not disqualify an employee from the executive exemption if the requirements of §541.100 are otherwise met. Whether an employee meets the requirements of §541.100 when the employee performs concurrent duties is determined on a case-by-case basis and based on the factors set forth in §541.700. Generally, exempt executives make the decision regarding when to perform nonexempt duties and remain responsible for the success or failure of business operations under their management while performing the nonexempt work. In contrast, the nonexempt employee generally is directed by a supervisor to perform the exempt work or performs the exempt work for defined time periods. An employee whose primary duty is ordinary production work or routine, recurrent or repetitive tasks cannot qualify for exemption as an executive.

''(b) For example, an assistant manager in a retail establishment may perform work such as serving customers, cooking food, stocking shelves and cleaning the establishment, but performance of such nonexempt work does not preclude the exemption if the assistant manager's primary duty is management. An assistant manager can supervise employees and serve customers at the same time without losing the exemption. An exempt employee can also simultaneously direct the work of other employees and stock shelves.

''(c) In contrast, a relief supervisor or working supervisor whose primary duty is performing nonexempt work on the production line in a manufacturing plant does not become exempt merely because the nonexempt production line employee occasionally has some responsibility for directing the work of other nonexempt production line employees when, for example, the exempt supervisor is unavailable. Similarly, an employee whose primary duty is to work as an electrician is not an exempt executive even if the employee also directs the work of other employees on the job site, orders parts and materials for the job, and handles requests from the prime contractor.

''Subpart C—Administrative Employees (§§541.200-541.204)

''§ 541.200 General rule for administrative employees

''(a) The term 'employee employed in a bona fide administrative capacity' in section 13(a)(1) of the Act shall mean any employee:

''(1) Compensated on a salary or fee basis pursuant to §541.600 at a rate of not less than $684 per week [(or $455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or $380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging or other facilities;

''(2) Whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers<<, constituents or stakeholders>>; and

''(3) Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

''(b) The term 'salary basis' is defined at §541.602; 'fee basis' is defined at §541.605; 'board, lodging or other facilities' is defined at §541.606; and 'primary duty' is defined at §541.700.

''§ 541.201 Directly related to management or general business operations

''(a) To qualify for the administrative exemption, an employee's primary duty must be the performance of work directly related to the management or general business operations of the employer or the employer's customers<<, constituents or stakeholders>>. The phrase 'directly related to the management or general business operations' refers to the type of work performed by the employee. To meet this requirement, an employee must perform work directly related to assisting with the running or servicing of the [business] <<employing office>>, as distinguished, for example, from working on a manufacturing production line or selling a product in a retail or service establishment.

''(b) Work directly related to management or general business operations includes, but is not limited to, work in functional areas such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations, government relations; computer network, internet and database administration; legal and regulatory compliance; and similar activities. Some of these activities may be performed by employees who also would qualify for another exemption.

''(c) An employee may qualify for the administrative exemption if the employee's primary duty is the performance of work directly related to the management or general business operations of the employer's customers<<, constituents and/or stakeholders>>. Thus, for example, employees acting as advisers or consultants to their employer's [clients or] customer<<, constituents or stakeholders>> (as tax experts or financial consultants, for example) may be exempt.

''§ 541.202 Discretion and independent judgment

''(a) To qualify for the administrative exemption, an employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance. In general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct, and acting or making a decision after the various possibilities have been considered. The term 'matters of significance' refers to the level of importance or consequence of the work performed.

''(b) The phrase 'discretion and independent judgment' must be applied in the light of all the facts involved in the particular employment situation in which the question arises. Factors to consider when determining whether an employee exercises discretion and independent judgment with respect to matters of significance include, but are not limited to: whether the employee has authority to formulate, affect, interpret, or implement management policies or operating practices; whether the employee carries out major assignments in conducting the operations of the [business] <<employing office>>; whether the employee performs work that affects business operations <<of the employing office>>to a substantial degree, even if the employee's assignments are related to operation of a particular segment of the [business] <<employing office>>; whether the employee has authority to commit the employer in matters that have significant financial impact; whether the employee has authority to waive or deviate from established policies and procedures without prior approval; whether the employee has authority to negotiate and bind the [company]<<employing office>> on significant matters; whether the employee provides consultation or expert advice to management; whether the employee is involved in planning longer short-term [business] <<employing office>> objectives; whether the employee investigates and resolves matters of significance on behalf of management; and whether the employee represents the [company]<<employing office>>

in handling complaints, arbitrating disputes or resolving grievances.

''(c) The exercise of discretion and independent judgment implies that the employee has authority to make an independent choice, free from immediate direction or supervision. However, employees can exercise discretion and independent judgment even if their decisions or recommendations are reviewed at a higher level. Thus, the term 'discretion and independent judgment' does not require that the decisions made by an employee have a finality that goes with unlimited authority and a complete absence of review. The decisions made as a result of the exercise of discretion and independent judgment may consist of recommendations for action rather than the actual taking of action. The fact that an employee's decision may be subject to review and that upon occasion the decisions are revised or reversed after review does not mean that the employee is not exercising discretion and independent judgment. For example, the policies formulated by the [credit] manager of a<<n>> [large corporation]<<employing office>> may be subject to review by higher [company]<<employing office>> officials who may approve or disapprove these policies. The [management consultant] <<department director>> who has made a study of the operations of a [business] <<department>> and who has drawn a proposed change in organization may have the plan reviewed or revised by superiors before it is [submitted to the client]<<approved>>.

''(d) An employer's volume of [business] <<work>> may make it necessary to employ a number of employees to perform the same or similar work. The fact that many employees perform identical work or work of the same relative importance does not mean that the work of each such employee does not involve the exercise of discretion and independent judgment with respect to matters of significance.

''(e) The exercise of discretion and independent judgment must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources. See also §541.704 regarding use of manuals. The exercise of discretion and independent judgment also does not include clerical or secretarial work, recording or tabulating data, or performing other mechanical, repetitive, recurrent or routine work. An employee who simply tabulates data is not exempt, even if labeled as a 'statistician.'

''(f) An employee does not exercise discretion and independent judgment with respect to matters of significance merely because the employer will experience financial losses if the employee fails to perform the job properly. For example, a messenger who is entrusted with carrying large sums of money does not exercise discretion and independent judgment with respect to matters of significance even though serious consequences may flow from the employee's neglect. Similarly, an employee who operates very expensive equipment does not exercise discretion and independent judgment with respect to matters of significance merely because improper performance of the employee's duties may cause serious financial loss to the employer.

''§ 541.203 Administrative exemption examples

''(a) [Insurance claims adjusters]<<Employees who investigate claims>> generally meet the duties requirements for the administrative exemption[, whether they work for an insurance company or other type of company,] if their duties include activities such as interviewing [insureds,] witnesses [and physicians]; inspecting property damage; reviewing factual information to prepare damage estimates; evaluating and making recommendations regarding coverage of claims; determining liability and total value of a claim; negotiating settlements; and making recommendations regarding litigation.

''(b) Employees in [the] financial services [industry] generally meet the duties requirements for the administrative exemption if their duties include work such as collecting and analyzing information regarding the customer's income, assets, investments or debts; determining which financial products best meet the customer's needs and financial circumstances; advising the customer regarding the advantages and disadvantages of different financial products; and marketing, servicing or promoting the employer's financial products. However, an employee whose primary duty is selling financial products does not qualify for the administrative exemption.

''(c) An employee who leads a team of other employees assigned to complete major projects for the employer (such as [purchasing, selling or closing all or part of the business,] negotiating a real estate transaction or a collective bargaining agreement, or designing and implementing productivity improvements) generally meets the duties requirements for the administrative exemption, even if the employee does not have direct supervisory responsibility over the other employees on the team.

''(d) An executive assistant or administrative assistant to a [business owner or senior executive of a large business]<<senior management official of an employing office>> generally meets the duties requirements for the administrative exemption if such employee, without specific instructions or prescribed procedures, has been delegated authority regarding matters of significance.

''(e) Human resources managers who formulate, interpret or implement employment policies and management consultants who study the operations of a [business] <<employing office>> and propose changes in organization generally meet the duties requirements for the administrative exemption. However, personnel clerks who 'screen' applicants to obtain data regarding their minimum qualifications and fitness for employment generally do not meet the duties requirements for the administrative exemption. Such personnel clerks typically will reject all applicants who do not meet minimum standards for the particular job or for employment by the [company] <<employing office>>. The minimum standards are usually set by the exempt human resources manager or other [company] <<employing office>> officials, and the decision to hire from the group of qualified applicants who do meet the minimum standards is similarly made by the exempt human resources manager or other [company] <<employing office>> officials. Thus, when the interviewing and screening functions are performed by the human resources manager or personnel manager who makes the hiring decision or makes recommendations for hiring from the pool of qualified applicants, such duties constitute exempt work, even though routine, because this work is directly and closely related to the employee's exempt functions.

''(f) Purchasing agents with authority to bind the [company] <<employing office>> on significant purchases generally meet the duties requirements for the administrative exemption even if they must consult with top management officials when making a purchase commitment for [raw] materials in excess of the contemplated [plant] needs.

''(g) Ordinary inspection work generally does not meet the duties requirements for the administrative exemption. Inspectors normally perform specialized work along standardized lines involving well-established techniques and procedures which may have been catalogued and described in manuals or other sources. Such inspectors rely on techniques and skills acquired by special training or experience. They have some leeway in the performance of their work but only within closely prescribed limits.

''(h) Employees usually called examiners or graders, such as employees that grade lumber, generally do not meet the duties requirements for the administrative exemption. Such employees usually perform work involving the comparison of products with established standards which are frequently catalogued. Often, after continued reference to the written standards, or through experience, the employee acquires sufficient knowledge so that reference to written standards is unnecessary. The substitution of the employee's memory for a manual of standards does not convert the character of the work performed to exempt work requiring the exercise of discretion and independent judgment.

''(i) [Comparison shopping performed by an employee of a retail store who merely reports to the buyer the prices at a competitor's store does not qualify for the administrative exemption. However, the buyer who evaluates such reports on competitor prices to set the employer's prices generally meets the duties requirements for the administrative exemption.]<<Reserved.>>

''(j) [Public sector i]<<I>>nspectors or investigators of various types, such as fire prevention or safety, building or construction, health or sanitation, environmental or soils specialists and similar employees, generally do not meet the duties requirements for the administrative exemption because their work typically does not involve work directly related to the management or general business operations of the employer. Such employees also do not qualify for the administrative exemption because their work involves the use of skills and technical abilities in gathering factual information, applying known standards or prescribed procedures, determining which procedure to follow, or determining whether prescribed standards or criteria are met.

''§ 541.204 Educational establishments

''(a) The term 'employee employed in a bona fide administrative capacity' in section 13(a)(1) of the Act also includes employees:

''(1) Compensated on a salary or fee basis at a rate of not less than $684 per week [(or $455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or $380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging, or other facilities; or on a salary basis which is at least equal to the entrance salary for teachers in the educational establishment by which employed; and

''(2) Whose primary duty is performing administrative functions directly related to academic instruction or training in an educational establishment or department or subdivision thereof.

''(b) The term 'educational establishment' means an elementary or secondary school system, an institution of higher education or other educational institution. Sections 3(v) and 3(w) of the Act define elementary and secondary schools as those day or residential schools that provide elementary or secondary education, as determined under State law. Under the laws of most States, such education includes the curriculums in grades 1 through 12; under many it includes also the introductory programs in kindergarten.

Such education in some States may also include nursery school programs in elementary education and junior college curriculums in secondary education. The term 'other educational establishment' includes special schools for mentally or physically disabled or gifted children, regardless of any classification of such schools as elementary, secondary or higher. Factors relevant in determining whether post-secondary career programs are educational institutions include whether the school is licensed by a state agency responsible for the state's educational system or accredited by a nationally recognized accrediting organization for career schools. Also, for purposes of the exemption, no distinction is drawn between public and private schools, or between those operated for profit and those that are not for profit.

''(c) The phrase 'performing administrative functions directly related to academic instruction or training' means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

''(1) Employees engaged in academic administrative functions include: the superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program; the principal and any vice-principals responsible for the operation of an elementary or secondary school; department heads in institutions of higher education responsible for the administration of the mathematics department, the English department, the foreign language department, etc.; academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and other employees with similar responsibilities.

''(2) Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunch room managers or dietitians do not perform academic administrative functions. Although such work is not considered academic administration, such employees may qualify for exemption under §541.200 or under other sections of this part, provided the requirements for such exemptions are met.

"Subpart D—Professional Employees (§§541.300-541.304)

"§ 541.300 General rule for professional employees

''(a) The term 'employee employed in a bona fide professional capacity' in section 13(a)(1) of the Act shall mean any employee:

''(1) Compensated on a salary or fee basis pursuant to §541.600 at a rate of not less than $684 per week **[**(or $455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or $380 per week if employed in American Samoa by employers other than the Federal government)**]**, exclusive of board, lodging or other facilities; and

''(2) Whose primary duty is the performance of work:

''(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or

''(ii) Requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

''(b) The term 'salary basis' is defined at §541.602; 'fee basis' is defined at §541.605; 'board, lodging or other facilities' is defined at §541.606; and 'primary duty' is defined at §541.700.

"§ 541.301 Learned professionals

''(a) To qualify for the learned professional exemption, an employee's primary duty must be the performance of work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction. This primary duty test includes three elements:

''(1) The employee must perform work requiring advanced knowledge;

''(2) The advanced knowledge must be in a field of science or learning; and

''(3) The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

''(b) The phrase 'work requiring advanced knowledge' means work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment, as distinguished from performance of routine mental, manual, mechanical or physical work. An employee who performs work requiring advanced knowledge generally uses the advanced knowledge to analyze, interpret or make deductions from varying facts or circumstances. Advanced knowledge cannot be attained at the high school level.

''(c) The phrase 'field of science or learning' includes the traditional professions of law, medicine, theology, accounting, actuarial computation, engineering, architecture, teaching, various types of physical, chemical and biological sciences, pharmacy and other similar occupations that have a recognized professional status as distinguished from the mechanical arts or skilled trades where in some instances the knowledge is of a fairly advanced type, but is not in a field of science or learning.

''(d) The phrase 'customarily acquired by a prolonged course of specialized intellectual instruction' restricts the exemption to professions where specialized academic training is a standard prerequisite for entrance into the profession. The best prima facie evidence that an employee meets this requirement is possession of the appropriate academic degree. However, the word 'customarily' means that the exemption is also available to employees in such professions who have substantially the same knowledge level and perform substantially the same work as the degreed employees, but who attained the advanced knowledge through a combination of work experience and intellectual instruction. Thus, for example, the learned professional exemption is available to the occasional lawyer who has not gone to law school, or the occasional chemist who is not the possessor of a degree in chemistry. However, the learned professional exemption is not available for occupations that customarily may be performed with only the general knowledge acquired by an academic degree in any field, with knowledge acquired through an apprenticeship, or with training in the performance of routine mental, manual, mechanical or physical processes. The learned professional exemption also does not apply to occupations in which most employees have acquired their skill by experience rather than by advanced specialized intellectual instruction.

''(e)(1) Registered or certified medical technologists. Registered or certified medical technologists who have successfully completed three academic years of pre-professional study in an accredited college or university plus a fourth year of professional course work in a school of medical technology approved by the Council of Medical Education of the American Medical Association generally meet the duties requirements for the learned professional exemption.

''(2) Nurses. Registered nurses who are registered by the appropriate State examining board generally meet the duties requirements for the learned professional exemption. Licensed practical nurses and other similar health care employees, however, generally do not qualify as exempt learned professionals because possession of a specialized advanced academic degree is not a standard prerequisite for entry into such occupations.

''(3) Dental hygienists. Dental hygienists who have successfully completed four academic years of pre-professional and professional study in an accredited college or university approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs of the American Dental Association generally meet the duties requirements for the learned professional exemption.

''(4) Physician assistants. Physician assistants who have successfully completed four academic years of pre-professional and professional study, including graduation from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant, and who are certified by the National Commission on Certification of Physician Assistants generally meet the duties requirements for the learned professional exemption.

''(5) Accountants. Certified public accountants generally meet the duties requirements for the learned professional exemption. In addition, many other accountants who are not certified public accountants but perform similar job duties may qualify as exempt learned professionals. However, accounting clerks, bookkeepers and other employees who normally perform a great deal of routine work generally will not qualify as exempt professionals.

''(6) Chefs. Chefs, such as executive chefs and sous chefs, who have attained a four-year specialized academic degree in a culinary arts program, generally meet the duties requirements for the learned professional exemption. The learned professional exemption is not available to cooks who perform predominantly routine mental, manual, mechanical or physical work.

''(7) Paralegals. Paralegals and legal assistants generally do not qualify as exempt learned professionals because an advanced specialized academic degree is not a standard prerequisite for entry into the field. Although many paralegals possess general four-year advanced degrees, most specialized paralegal programs are two-year associate degree programs from a community college or equivalent institution. However, the learned professional exemption is available for paralegals who possess advanced specialized degrees in other professional fields and apply advanced knowledge in that field in the performance of their duties. For example, if a law firm hires an engineer as a paralegal to provide expert advice on product liability cases or to assist on patent matters, that engineer would qualify for exemption.

''(8) Athletic trainers. Athletic trainers who have successfully completed four academic years of pre-professional and professional study in a specialized curriculum accredited by the Commission on Accreditation of Allied Health Education Programs and who are certified by the Board of Certification of the National Athletic Trainers Association Board of Certification generally meet the duties requirements for the learned professional exemption.

[''(9) Funeral directors or embalmers. Licensed funeral directors and embalmers who are licensed by and working in a state that requires successful completion of four academic years of pre-professional and professional study, including graduation from a college of mortuary science accredited by the American Board of Funeral Service Education, generally meet the duties requirements for the learned professional exemption.]

''(f) The areas in which the professional exemption may be available are expanding. As knowledge is developed, academic training is broadened and specialized degrees are offered in new and diverse fields, thus creating new specialists in particular fields of science or learning. When an advanced specialized degree has become a standard requirement for a particular occupation, that occupation may have acquired the characteristics of a learned profession. Accrediting and certifying organizations similar to those listed in paragraphs (e)(1), (e)(3), (e)(4) and (e)(8) of this section also may be created in the future. Such organizations may develop similar specialized curriculums and certification programs which, if a standard requirement for a particular occupation, may indicate that the occupation has acquired the characteristics of a learned profession.

''§ 541.302 Creative professionals

''(a) To qualify for the creative professional exemption, an employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as opposed to routine mental, manual, mechanical or physical work. The exemption does not apply to work which can be produced by a person with general manual or intellectual ability and training.

''(b) To qualify for exemption as a creative professional, the work performed must be 'in a recognized field of artistic or creative endeavor.' This includes such fields as music, writing, acting and the graphic arts.

''(c) The requirement of 'invention, imagination, originality or talent' distinguishes the creative professions from work that primarily depends on intelligence, diligence and accuracy. The duties of employees vary widely, and exemption as a creative professional depends on the extent of the invention, imagination, originality or talent exercised by the employee. Determination of exempt creative professional status, therefore, must be made on a case-by-case basis. This requirement generally is met by actors, musicians, composers, conductors, and soloists; painters who at most are given the subject matter of their painting; cartoonists who are merely told the title or underlying concept of a cartoon and must rely on their own creative ability to express the concept; essayists, novelists, short-story writers and screen-play writers who choose their own subjects and hand in a finished piece of work to their employers (the majority of such persons are, of course, not employees but self-employed); and persons holding the more responsible writing positions in advertising agencies. This requirement generally is not met by a person who is employed as a copyist, as an 'animator' of motion-picture cartoons, or as a retoucher of photographs, since such work is not properly described as creative in character.

''(d) Journalists may satisfy the duties requirements for the creative professional exemption if their primary duty is work requiring invention, imagination, originality or talent, as opposed to work which depends primarily on intelligence, diligence and accuracy. Employees of newspapers, magazines, television and other media are not exempt creative professionals if they only collect, organize and record information that is routine or already public, or if they do not contribute a unique interpretation or analysis to a news product. Thus, for example, newspaper reporters who merely rewrite press releases or who write standard recounts of public information by gathering facts on routine community events are not exempt creative professionals. Reporters also do not qualify as exempt creative professionals if their work product is subject to substantial control by the employer. However, journalists may qualify as exempt creative professionals if their primary duty is performing on the air in radio, television or other electronic media; conducting investigative interviews; analyzing or interpreting public events; writing editorials, opinion columns or other commentary; or acting as a narrator or commentator.

''§ 541.303 Teachers

''(a) The term 'employee employed in a bona fide professional capacity' in section 13(a)(1) of the Act also means any employee with a primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an educational establishment by which the employee is employed. The term 'educational establishment' is defined in §541.204(b).

''(b) Exempt teachers include, but are not limited to: Regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

''(c) The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the State to refer to different kinds of certificates. However, private schools and public schools are not uniform in requiring a certificate for employment as an elementary or secondary school teacher, and a teacher's certificate is not generally necessary for employment in institutions of higher education or other educational establishments. Therefore, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

''(d) The requirements of §541.300 and Subpart G (salary requirements) of this part do not apply to the teaching professionals described in this section.

''§ 541.304 Practice of law or medicine

''(a) The term 'employee employed in a bona fide professional capacity' in section 13(a)(1) of the Act also shall mean:

''(1) Any employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and is actually engaged in the practice thereof; and

''(2) Any employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of the profession.

''(b) In the case of medicine, the exemption applies to physicians and other practitioners licensed and practicing in the field of medical science and healing or any of the medical specialties practiced by physicians or practitioners. The term 'physicians' includes medical doctors including general practitioners and specialists, osteopathic physicians (doctors of osteopathy), podiatrists, dentists (doctors of dental medicine), and optometrists (doctors of optometry or bachelors of science in optometry).

''(c) Employees engaged in internship or resident programs, whether or not licensed to practice prior to commencement of the program, qualify as exempt professionals if they enter such internship or resident programs after the earning of the appropriate degree required for the general practice of their profession.

''(d) The requirements of §541.300 and subpart G (salary requirements) of this part do not apply to the employees described in this section.

''Subpart E—Computer Employees (§§541.400-541.402)

''§ 541.400 General rule for computer employees

''(a) Computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field are eligible for exemption as professionals under section 13(a)(1) of the Act and under section 13(a)(17) of the Act. Because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the applicability of this exemption.

''(b) The section 13(a)(1)exemption applies to any computer employee who is compensated on a salary or fee basis at a rate of not less than $684 per week [(or $455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or $380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging, or other facilities.

''The section 13(a)(17) exemption applies to any computer employee compensated on an hourly basis at a rate of not less than $27.63 an hour. In addition, under either section 13(a)(1) or section 13(a)(17) of the Act, the exemptions apply only to computer employees whose primary duty consists of:

''(1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;

''(2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

''(3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

''(4) A combination of the aforementioned duties, the performance of which requires the same level of skills.

''(c) The term 'salary basis' is defined at §541.602; 'fee basis' is defined at §541.605; 'board, lodging or other facilities' is defined at §541.606; and 'primary duty' is defined at §541.700.

''§ 541.401 Computer manufacture and repair

''The exemption for employees in computer occupations does not include employees engaged in the manufacture or repair of computer hardware and related equipment. Employees whose work is highly dependent upon, or facilitated by, the use of computers and computer software programs (e.g., engineers, drafters and others skilled in computer-aided design software), but who are not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations identified in §541.400(b), are also not exempt computer professionals.

"§ 541.402 Executive and administrative computer employees

"Computer employees within the scope of this exemption, as well as those employees not within its scope, may also have executive and administrative duties which qualify the employees for exemption under subpart B or subpart C of this part. For example, systems analysts and computer programmers generally meet the duties requirements for the administrative exemption if their primary duty includes work such as planning, scheduling, and coordinating activities required to develop systems to solve complex business, scientific or engineering problems of the employer or the employer's customers<<, constituents or stakeholders>>. Similarly, a senior or lead computer programmer who manages the work of two or more other programmers in a customarily recognized department or subdivision of the employer, and whose recommendations as to the hiring, firing, advancement, promotion or other change of status of the other programmers are given particular weight, generally meets the duties requirements for the executive exemption.

"Subpart F—<<Reserved>>

["Subpart F—Outside Sales Employees (§§541.500-541.504)]

["§ 541.500 General rule for outside sales employees

["(a) The term 'employee employed in the capacity of outside salesman' in section 13(a)(1) of the Act shall mean any employee:]

["(1) Whose primary duty is:]

["(i) making sales within the meaning of section 3(k) of the Act, or]

["(ii) obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and]

["(2) Who is customarily and regularly engaged away from the employer's place or places of business in performing such primary duty.]

["(b) The term 'primary duty' is defined at §541.700. In determining the primary duty of an outside sales employee, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall be regarded as exempt outside sales work. Other work that furthers the employee's sales efforts also shall be regarded as exempt work including, for example, writing sales reports, updating or revising the employee's sales or display catalogue, planning itineraries and attending sales conferences.]

["(c) The requirements of subpart G (salary requirements) of this part do not apply to the outside sales employees described in this section.]

["§ 541.501 Making sales or obtaining orders

["(a) Section 541.500 requires that the employee be engaged in:]

["(1) Making sales within the meaning of section 3(k) of the Act, or]

["(2) Obtaining orders or contracts for services or for the use of facilities.]

["(b) Sales within the meaning of section 3(k) of the Act include the transfer of title to tangible property, and in certain cases, of tangible and valuable evidences of intangible property. Section 3(k) of the Act states that 'sale' or 'sell' includes any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition.]

["(c) Exempt outside sales work includes not only the sales of commodities, but also 'obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer.' Obtaining orders for 'the use of facilities' includes the selling of time on radio or television, the solicitation of advertising for newspapers and other periodicals, and the solicitation of freight for railroads and other transportation agencies.]

["(d) The word 'services' extends the outside sales exemption to employees who sell or take orders for a service, which may be performed for the customer by someone other than the person taking the order.]

["§ 541.502 Away from employer's place of business

"An outside sales employee must be customarily and regularly engaged 'away from the employer's place or places of business.' The outside sales employee is an employee who makes sales at the customer's place of business or, if selling door-to-door, at the customer's home. Outside sales does not include sales made by mail, telephone or the Internet unless such contact is used merely as an adjunct to personal calls. Thus, any fixed site, whether home or office, used by a salesperson as a headquarters or for telephonic solicitation of sales is considered one of the employer's places of business, even though the employer is not in any formal sense the owner or tenant of the property. However, an outside sales employee does not lose the exemption by displaying samples in hotel sample rooms during trips from city to city; these sample rooms should not be considered as the employer's places of business. Similarly, an outside sales employee does not lose the exemption by displaying the employer's products at a trade show. If selling actually occurs, rather than just sales promotion, trade shows of short duration (i.e., one or two weeks) should not be considered as the employer's place of business.]

["§ 541.503 Promotion work

["(a) Promotion work is one type of activity often performed by persons who make sales, which may or may not be exempt outside sales work, depending upon the circumstances under which it is performed. Promotional work that is actually performed incidental to and in conjunction with an employee's own outside sales or solicitations is exempt work. On the other hand, promotional work that is incidental to sales made, or to be made, by someone else is not exempt outside sales work. An employee who does not satisfy the requirements of this subpart may still qualify as an exempt employee under other subparts of this rule.]

["(b) A manufacturer's representative, for example, may perform various types of promotional activities such as putting up displays and posters, removing damaged or spoiled stock from the merchant's shelves or rearranging the merchandise. Such an employee can be considered an exempt outside sales employee if the employee's primary duty is making sales or contracts. Promotion activities directed toward consummation of the employee's own sales are exempt. Promotional activities designed to stimulate sales that will be made by someone else are not exempt outside sales work.]

["(c) Another example is a company representative who visits chain stores, arranges the merchandise on shelves, replenishes stock by replacing old with new merchandise, sets up displays and consults with the store manager when inventory runs low, but does not obtain a commitment for additional purchases. The arrangement of merchandise on the shelves or the replenishing of stock is not exempt work unless it is incidental to and in conjunction with the employee's own outside sales. Because the employee in this instance does not consummate the sale nor direct efforts toward the consummation of a sale, the work is not exempt outside sales work.]

["§ 541.504 Drivers who sell

["(a) Drivers who deliver products and also sell such products may qualify as exempt outside sales employees only if the employee has a primary duty of making sales. In determining the primary duty of drivers who sell, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including loading, driving or delivering products, shall be regarded as exempt outside sales work.]

["(b) Several factors should be considered in determining if a driver has a primary duty of making sales, including, but not limited to: a comparison of the driver's duties with those of other employees engaged as truck drivers and as salespersons; possession of a selling or solicitor's license when such license is required by law or ordinances; presence or absence of customary or contractual arrangements concerning amounts of products to be delivered; description of the employee's occupation in collective bargaining agreements; the employer's specifications as to qualifications for hiring; sales training; attendance at sales conferences; method of payment; and proportion of earnings directly attributable to sales.]

["(c) Drivers who may qualify as exempt outside sales employees include:]

["(1) A driver who provides the only sales contact between the employer and the customers visited, who calls on customers and takes orders for products, who delivers products from stock in the employee's vehicle or procures and delivers the product to the customer on a later trip, and who receives compensation commensurate with the volume of products sold.]

["(2) A driver who obtains or solicits orders for the employer's products from persons who have authority to commit the customer for purchases.]

["(3) A driver who calls on new prospects for customers along the employee's route and attempts to convince them of the desirability of accepting regular delivery of goods.]

["(4) A driver who calls on established customers along the route and persuades regular customers to accept delivery of increased amounts of goods or of new products, even though the initial sale or agreement for delivery was made by someone else.]

["(d) Drivers who generally would not qualify as exempt outside sales employees include:]

["(1) A route driver whose primary duty is to transport products sold by the employer through vending machines and to keep such machines stocked, in good operating condition, and in good locations.]

["(2) A driver who often calls on established customers day after day or week after week, delivering a quantity of the employer's products at each call when the sale was not significantly affected by solicitations of the customer by the delivering driver or the amount of the sale is determined by the volume of the customer's sales since the previous delivery.]

["(3) A driver primarily engaged in making deliveries to customers and performing activities intended to promote sales by customers (including placing point-of-sale and other advertising materials, price stamping commodities, arranging merchandise on shelves, in coolers or in cabinets, rotating stock according to date, and cleaning and otherwise servicing display cases), unless such work is in furtherance of the driver's own sales efforts.]

"Subpart G—Salary Requirements (§§541.600-541.607)

"§ 541.600 Amount of salary required

"(a) To qualify as an exempt executive, administrative or professional employee under section 13(a)(1) of the Act, an employee must be compensated on a salary basis at a rate of not less than $684 per week [(or $455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal Government, or $380 per week if employed in American Samoa by employers other than the Federal Government)], exclusive of board, lodging or other facilities. Administrative and professional employees may also be paid on a fee basis, as defined in §541.605.

"(b) The required amount of compensation per week may be translated into equivalent amounts for periods longer than one week. For example, the $684-per-week requirement will be met if the employee is compensated biweekly on a salary basis of not less than $1,368, semimonthly on a salary basis of not less than $1,482, or monthly on a salary basis of not less than $2,964. However, the shortest period of payment that will meet this compensation requirement is one week.

"(c) In the case of academic administrative employees, the compensation requirement also may be met by compensation on a salary basis at a rate at least equal to the entrance salary for teachers in the educational establishment by which the employee is employed, as provided in §541.204(a)(1).

"(d) In the case of computer employees, the compensation requirement also may be met by compensation on an hourly basis at a rate not less than $27.63 an hour, as provided in §541.400(b).

"(e) In the case of professional employees, the compensation requirements in this section shall not apply to employees engaged as teachers (see §541.303); employees who hold a valid license or certificate permitting the practice of law or medicine or any of their branches and are actually engaged in the practice thereof (see §541.304); or to employees who hold the requisite academic degree for the general practice of medicine and are engaged in an internship or resident program pursuant to the practice of the profession (see §541.304). In the case of medical occupations, the exception from the salary or fee requirement does not apply to pharmacists, nurses, therapists, technologists, sanitarians, dietitians, social workers, psychologists, psychometrists, or other professions which service the medical profession.

"§ 541.601 Highly compensated employees

"(a)(1) Beginning on [January 1, 2020]<<the effective date of these Substantive Regulations>>, an employee with total annual compensation of at least $107,432 is deemed exempt under section 13(a)(1) of the Act if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee as identified in subparts B, C or D of this part.

"(2) Where the annual period covers periods both prior to and after [January 1, 2020]<<the effective date of these Substantive Regulations>>, the amount of total annual compensation due will be determined on a proportional basis.

"(b)(1) 'Total annual compensation' must include at least $684 per week paid on a salary or fee basis as set forth in §541.602 and 541.605, except that §541.602(a)(3) shall not apply to highly compensated employees. Total annual compensation may also include commissions, nondiscretionary bonuses and other nondiscretionary compensation earned during a 52-week period. Total annual compensation does not include board, lodging and other facilities as defined in §541.606, and does not include payments for medical insurance, payments for life insurance, contributions to retirement plans and the cost of other fringe benefits.

"(2) If an employee's total annual compensation does not total at least the amount specified in the applicable subsection of paragraph (a) by the last pay period of the 52-week period, the employer may, during the last pay period or within one month after the end of the 52-week period, make one final payment sufficient to achieve the required level. For example, for a 52-week period [beginning January 1, 2020], an employee may earn $90,000 in base salary, and the employer may anticipate [based upon past sales] that the employee also will earn $17,432 in [commissions]<<other payments>>. However, [due to poor sales] in the final quarter of the year, the employee actually only earns $12,000 in [commissions]<<other payments>>. In this situation, the employer may within one month after the end of the year make a payment of at least $5,432 to the employee. Any such final payment made after the end of the 52-week period may count only toward the prior year's total annual compensation and not toward the total annual compensation in the year it was paid. If the employer fails to make such a payment, the employee does not qualify as a highly compensated employee, but may still qualify as exempt under subparts B, C, or D of this part.

"(3) An employee who does not work a full year for the employer, either because the employee is newly hired after the beginning of the year or ends the employment before the end of the year, may qualify for exemption under this section if the employee receives a pro rata portion of the minimum amount established in paragraph (a) of this section, based upon the number of weeks that the employee will be or has been employed. An employer may make one final payment as under paragraph (b)(2) of this section within one month after the end of employment.

"(4) The employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year, or an anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply.

"(c) A high level of compensation is a strong indicator of an employee's exempt status, thus eliminating the need for a detailed analysis of the employee's job duties. Thus, a highly compensated employee will qualify for exemption if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee identified in subparts B, C or D of this part. An employee may qualify as a highly compensated executive employee, for example, if the employee customarily and regularly directs the work of two or more other employees, even though the employee does not meet all of the other requirements for the executive exemption under §541.100.

"(d) This section applies only to employees whose primary duty includes performing office or non-manual work. Thus, for example, non-management production-line workers and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers, laborers and other employees who perform work involving repetitive operations with their hands, physical skill and energy are not exempt under this section no matter how highly paid they might be.

"§ 541.602 Salary basis

"(a) General rule. An employee will be considered to be paid on a 'salary basis' within the meaning of this part if the employee regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of the employee's compensation, which amount is not subject to reduction because of variations in the quality or quantity of the work performed.

"(1) Subject to the exceptions provided in paragraph (b) of this section, an exempt employee must receive the full salary for any week in which the employee performs any work without regard to the number of days or hours worked. Exempt employees need not be paid for any workweek in which they perform no work.

"(2) An employee is not paid on a salary basis if deductions from the employee's predetermined compensation are made for absences occasioned by the employer or by the operating requirements of the [business] <<employing office>>. If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

"(3) Up to ten percent of the salary amount required by §541.600(a) may be satisfied by the payment of nondiscretionary bonuses, incentives and commissions, that are paid annually or more frequently. The employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year, or an anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply. This provision does not apply to highly compensated employees under §541.601.

"(i) If by the last pay period of the 52-week period the sum of the employee's weekly salary plus nondiscretionary bonus, incentive, and commission payments received is less than 52 times the weekly salary amount required by §541.600(a), the employer may make one final payment sufficient to achieve the required level no later than the next pay period after the end of the year. Any such final payment made after the end of the 52-week period may count only toward the prior year's salary amount and not toward the salary amount in the year it was paid.

"(ii) An employee who does not work a full 52-week period for the employer, either because the employee is newly hired after the beginning of this period or ends the employment before the end of this period, may qualify for exemption if the employee receives a pro rata portion of the minimum amount established in paragraph (a)(3) of this section, based upon the number of weeks that the employee will be or has been employed. An employer may make one final payment as under paragraph (a)(3)(i) of this section within one pay period after the end of employment.

"(b) Exceptions. The prohibition against deductions from pay in the salary basis requirement is subject to the following exceptions:

"(1) Deductions from pay may be made when an exempt employee is absent from work for one or more full days for personal reasons, other than sickness or disability. Thus, if an employee is absent for two full days to handle personal affairs, the employee's salaried status will not be affected if deductions are made from the salary for two full-day absences. However, if an exempt employee is absent for one and a half days for personal reasons, the employer can deduct only for the one full-day absence.

"(2) Deductions from pay may be made for absences of one or more full days occasioned by sickness or disability (including work-related accidents) if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability. The employer is not required to pay any portion of the employee's salary for full-day absences for which the employee receives compensation under the plan, policy or practice. Deductions for such full-day absences also may be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the leave allowance thereunder. Thus, for example, if an employer maintains a short-term disability insurance plan providing salary replacement for 12 weeks starting on the fourth day of absence, the employer may make deductions from pay for the three days of absence before the employee qualifies for benefits under the plan; for the twelve weeks in which the employee receives salary replacement benefits under the plan; and for absences after the employee has exhausted the 12 weeks of salary replacement benefits. ⟦Similarly, an employer may make deductions from pay for absences of one or more full days if salary replacement benefits are provided under a State disability insurance law or under a State workers' compensation law.⟧

''(3) While an employer cannot make deductions from pay for absences of an exempt employee occasioned by jury duty, attendance as a witness or temporary military leave, the employer can offset any amounts received by an employee as jury fees, witness fees or military pay for a particular week against the salary due for that particular week without loss of the exemption.

''(4) Deductions from pay of exempt employees may be made for penalties imposed in good faith for infractions of safety rules of major significance. Safety rules of major significance include those relating to the prevention of serious danger in the workplace or to other employees, such as rules prohibiting smoking in explosive plants, oil refineries and coal mines.

''(5) Deductions from pay of exempt employees may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules. Such suspensions must be imposed pursuant to a written policy applicable to all employees. Thus, for example, an employer may suspend an exempt employee without pay for three days for violating a generally applicable written policy prohibiting sexual harassment. Similarly, an employer may suspend an exempt employee without pay for twelve days for violating a generally applicable written policy prohibiting workplace violence.

''(6) An employer is not required to pay the full salary in the initial or terminal week of employment. Rather, an employer may pay a proportionate part of an employee's full salary for the time actually worked in the first and last week of employment. In such weeks, the payment of an hourly or daily equivalent of the employee's full salary for the time actually worked will meet the requirement. However, employees are not paid on a salary basis within the meaning of these regulations if they are employed occasionally for a few days, and the employer pays them a proportionate part of the weekly salary when so employed.

''(7) An employer is not required to pay the full salary for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. Rather, when an exempt employee takes unpaid leave under the Family and Medical Leave Act, an employer may pay a proportionate part of the full salary for time actually worked. For example, if an employee who normally works 40 hours per week uses four hours of unpaid leave under the Family and Medical Leave Act, the employer could deduct 10 percent of the employee's normal salary that week.

''(c) When calculating the amount of a deduction from pay allowed under paragraph (b) of this section, the employer may use the hourly or daily equivalent of the employee's full weekly salary or any other amount proportional to the time actually missed by the employee. A deduction from pay as a penalty for violations of major safety rules under paragraph (b)(4) of this section may be made in any amount.

''§ 541.603 Effect of improper deductions from salary

''(a) An employer who makes improper deductions from salary shall lose the exemption if the facts demonstrate that the employer did not intend to pay employees on a salary basis. An actual practice of making improper deductions demonstrates that the employer did not intend to pay employees on a salary basis. The factors to consider when determining whether an employer has an actual practice of making improper deductions include, but are not limited to: the number of improper deductions, particularly as compared to the number of employee infractions warranting discipline; the time period during which the employer made improper deductions; the number and geographic location of employees whose salary was improperly reduced; the number and geographic location of managers responsible for taking the improper deductions; and whether the employer has a clearly communicated policy permitting or prohibiting improper deductions.

''(b) If the facts demonstrate that the employer has an actual practice of making improper deductions, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. Employees in different job classifications or who work for different managers do not lose their status as exempt employees. Thus, for example, if a manager ⟦at a company facility⟧ routinely docks the pay of engineers at that facility for partial-day personal absences, then all engineers at that facility whose pay could have been improperly docked by the manager would lose the exemption; engineers at other facilities or working for other managers, however, would remain exempt.

''(c) Improper deductions that are either isolated or inadvertent will not result in loss of the exemption for any employees subject to such improper deductions, if the employer reimburses the employees for such improper deductions.

''(d) If an employer has a clearly communicated policy that prohibits the improper pay deductions specified in §541.602(a) and includes a complaint mechanism, reimburses employees for any improper deductions and makes a good faith commitment to comply in the future, such employer will not lose the exemption for any employees unless the employer willfully violates the policy by continuing to make improper deductions after receiving employee complaints. If an employer fails to reimburse employees for any improper deductions or continues to make improper deductions after receiving employee complaints, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. The best evidence of a clearly communicated policy is a written policy that was distributed to employees prior to the improper pay deductions by, for example, providing a copy of the policy to employees at the time of hire, publishing the policy in an employee handbook or publishing the policy on the employer's Intranet.

''(e) This section shall not be construed in an unduly technical manner so as to defeat the exemption.

''§ 541.604 Minimum guarantee plus extras

''(a) An employer may provide an exempt employee with additional compensation without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly-required amount paid on a salary basis. Thus, for example, an exempt employee guaranteed at least $684 each week paid on a salary basis may also receive additional compensation of a one percent commission on sales. An exempt employee also may receive a percentage of the sales or profits of the employer if the employment arrangement also includes a guarantee of at least $684 each week paid on a salary basis. Similarly, the exemption is not lost if an exempt employee who is guaranteed at least $684 each week paid on a salary basis also receives additional compensation based on hours worked for work beyond the normal workweek. Such additional compensation may be paid on any basis (e.g., flat sum, bonus payment, straight-time hourly amount, time and one-half or any other basis), and may include paid time off.

''(b) An exempt employee's earnings may be computed on an hourly, a daily or a shift basis, without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly required amount paid on a salary basis regardless of the number of hours, days or shifts worked, and a reasonable relationship exists between the guaranteed amount and the amount actually earned. The reasonable relationship test will be met if the weekly guarantee is roughly equivalent to the employee's usual earnings at the assigned hourly, daily or shift rate for the employee's normal scheduled workweek. Thus, for example, an exempt employee guaranteed compensation of at least $725 for any week in which the employee performs any work, and who normally works four or five shifts each week, may be paid $210 per shift without violating the $684-per-week salary basis requirement. The reasonable relationship requirement applies only if the employee's pay is computed on an hourly, daily or shift basis. It does not apply, for example, to an exempt store manager paid a guaranteed salary per week that exceeds the current salary level who also receives a commission of one-half percent of all sales in the store or five percent of the store's profits, which in some weeks may total as much as, or even more than, the guaranteed salary.

''§ 541.605 Fee basis

''(a) Administrative and professional employees may be paid on a fee basis, rather than on a salary basis. An employee will be considered to be paid on a 'fee basis' within the meaning of these regulations if the employee is paid an agreed sum for a single job regardless of the time required for its completion. These payments resemble piecework payments with the important distinction that generally a 'fee' is paid for the kind of job that is unique rather than for a series of jobs repeated an indefinite number of times and for which payment on an identical basis is made over and over again. Payments based on the number of hours or days worked and not on the accomplishment of a given single task are not considered payments on a fee basis.

''(b) To determine whether the fee payment meets the minimum amount of salary required for exemption under these regulations, the amount paid to the employee will be tested by determining the time worked on the job and whether the fee payment is at a rate that would amount to at least the minimum salary per week, as required by §541.600(a) and 541.602(a), if the employee worked 40 hours. Thus, an artist paid $350 for a picture that took 20 hours to complete meets the $684 minimum salary requirement for exemption since earnings at this rate would yield the artist $700 if 40 hours were worked.

''§ 541.606 Board, lodging or other facilities

''(a) To qualify for exemption under section 13(a)(1) of the Act, an employee must earn the minimum salary amount set forth in §541.600, 'exclusive of board, lodging or other facilities.' The phrase 'exclusive of board, lodging or other facilities' means 'free and clear' or independent of any claimed credit for non-cash items of value that an employer may provide to an employee. Thus, the costs incurred by an employer to provide an employee with board, lodging or other facilities may not count towards the minimum salary amount required for exemption under this part 541. Such separate transactions are not prohibited between employers and their exempt employees, but the costs to employers associated with such transactions may not be considered when determining if an employee has received the full required minimum salary payment.

''(b) Regulations defining what constitutes 'board, lodging, or other facilities' are contained in 29 CFR part 531. As described in 29 CFR 531.32, the term 'other facilities' refers to items similar to board and lodging, such as meals furnished at company restaurants or cafeterias or by hospitals, hotels, or restaurants to their employees; meals, dormitory rooms, and tuition furnished by a college to its student employees; merchandise furnished at company stores or commissaries, including articles of food, clothing, and household effects; housing furnished for dwelling purposes; and transportation furnished to employees for ordinary commuting between their homes and work.

[''§ 541.607 Reserved by 85 FR 34970 Effective: June 8, 2020 <<541.607 - Reserved.>>

''Subpart H—Definitions and Miscellaneous Provisions (§§541.700-541.710)

''§ 541.700 Primary duty

''(a) To qualify for exemption under this part, an employee's 'primary duty' must be the performance of exempt work. The term 'primary duty' means the principal, main, major or most important duty that the employee performs. Determination of an employee's primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee's job as a whole. Factors to consider when determining the primary duty of an employee include, but are not limited to, the relative importance of the exempt duties as compared with other types of duties; the amount of time spent performing exempt work; the employee's relative freedom from direct supervision; and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee.

''(b) The amount of time spent performing exempt work can be a useful guide in determining whether exempt work is the primary duty of an employee. Thus, employees who spend more than 50 percent of their time performing exempt work will generally satisfy the primary duty requirement. Time alone, however, is not the sole test, and nothing in this section requires that exempt employees spend more than 50 percent of their time performing exempt work. Employees who do not spend more than 50 percent of their time performing exempt duties may nonetheless meet the primary duty requirement if the other factors support such a conclusion.

''(c) Thus, for example, assistant managers in a retail establishment who perform exempt executive work such as supervising and directing the work of other employees, ordering merchandise, managing the budget and authorizing payment of bills may have management as their primary duty even if the assistant managers spend more than 50 percent of the time performing nonexempt work such as running the cash register. However, if such assistant managers are closely supervised and earn little more than the nonexempt employees, the assistant managers generally would not satisfy the primary duty requirement.

''§ 541.701 Customarily and regularly

''The phrase 'customarily and regularly' means a frequency that must be greater than occasional but which, of course, may be less than constant. Tasks or work performed 'customarily and regularly' includes work normally and recurrently performed every workweek; it does not include isolated or one-time tasks.

''§ 541.702 Exempt and nonexempt work

''The term 'exempt work' means all work described in §541.100, 541.101, 541.200, 541.300, 541.301, 541.302, 541.303, 541.304, <<and>> 541.400 [and 541.500], and the activities directly and closely related to such work. All other work is considered 'nonexempt.'

''§ 541.703 Directly and closely related

''(a) Work that is 'directly and closely related' to the performance of exempt work is also considered exempt work. The phrase 'directly and closely related' means tasks that are related to exempt duties and that contribute to or facilitate performance of exempt work. Thus, 'directly and closely related' work may include physical tasks and menial tasks that arise out of exempt duties, and the routine work without which the exempt employee's exempt work cannot be performed properly. Work 'directly and closely related' to the performance of exempt duties may also include recordkeeping; monitoring and adjusting machinery; taking notes; using the computer to create documents or presentations; opening the mail for the purpose of reading it and making decisions; and using a photocopier or fax machine. Work is not 'directly and closely related' if the work is remotely related or completely unrelated to exempt duties.

''(b) The following examples further illustrate the type of work that is and is not normally considered as directly and closely related to exempt work:

''(1) Keeping time, production or sales records for subordinates is work directly and closely related to an exempt executive's function of managing a department and supervising employees.

''(2) The distribution of materials, merchandise or supplies to maintain control of the flow of and expenditures for such items is directly and closely related to the performance of exempt duties.

''(3) A supervisor who spot checks and examines the work of subordinates to determine whether they are performing their duties properly, and whether the product is satisfactory, is performing work which is directly and closely related to managerial and supervisory functions, so long as the checking is distinguishable from the work ordinarily performed by a nonexempt inspector.

''(4) A supervisor who sets up a machine may be engaged in exempt work, depending upon the nature of the industry and the operation. In some cases the setup work, or adjustment of the machine for a particular job, is typically performed by the same employees who operate the machine. Such setup work is part of the production operation and is not exempt. In other cases, the setting up of the work is a highly skilled operation which the ordinary production worker or machine tender typically does not perform. In large plants, non-supervisors may perform such work. However, particularly in small plants, such work may be a regular duty of the executive and is directly and closely related to the executive's responsibility for the work performance of subordinates and for the adequacy of the final product. Under such circumstances, it is exempt work.

''(5) A department manager in a retail or service establishment who walks about the sales floor observing the work of sales personnel under the employee's supervision to determine the effectiveness of their sales techniques, checks on the quality of customer service being given, or observes customer preferences is performing work which is directly and closely related to managerial and supervisory functions.

''(6) A business consultant may take extensive notes recording the flow of work and materials through the office or plant of the client; after returning to the office of the employer, the consultant may personally use the computer to type a report and create a proposed table of organization. Standing alone, or separated from the primary duty, such note-taking and typing would be routine in nature. However, because this work is necessary for analyzing the data and making recommendations, the work is directly and closely related to exempt work. While it is possible to assign note-taking and typing to nonexempt employees, and in fact it is frequently the practice to do so, delegating such routine tasks is not required as a condition of exemption.

''(7) A [credit] manager who makes and administers the [credit]<<budget>> policy of the [employer]<<employing office>>, establishes [credit]<<spending>> limits for [customers]<<the employing office>>, <<and>> authorizes [the shipment of orders on credit, and makes decisions on whether to exceed credit limits]<<expenditures>> would be performing work exempt under §541.200. Work that is directly and closely related to these exempt duties may include checking the status of accounts to determine whether the credit limit would be exceeded by the shipment of a new order, removing credit reports from the files for analysis, and writing letters giving credit data and experience to other employers or credit agencies.

''(8) A traffic manager in charge of planning a company's transportation, including the most economical and quickest routes for shipping merchandise to and from the plant, contracting for common-carrier and other transportation facilities, negotiating with carriers for adjustments for damages to merchandise, and making the necessary rearrangements resulting from delays, damages or irregularities in transit, is performing exempt work. If the employee also spends part of the day taking telephone orders for local deliveries, such order-taking is a routine function and is not directly and closely related to the exempt work.

''(9) An example of work directly and closely related to exempt professional duties is a chemist performing menial tasks such as cleaning a test tube in the middle of an original experiment, even though such menial tasks can be assigned to laboratory assistants.

''(10) A teacher performs work directly and closely related to exempt duties when, while taking students on a field trip, the teacher drives a school van or monitors the students' behavior in a restaurant.

"§ 541.704 Use of manuals

"The use of manuals, guidelines or other established procedures containing or relating to highly technical, scientific, legal, financial or other similarly complex matters that can be understood or interpreted only by those with advanced or specialized knowledge or skills does not preclude exemption under section 13(a)(1) of the Act or the regulations in this part. Such manuals and procedures provide guidance in addressing difficult or novel circumstances and thus use of such reference material would not affect an employee's exempt status. The section 13(a)(1) exemptions are not available, however, for employees who simply apply well-established techniques or procedures described in manuals or other sources within closely prescribed limits to determine the correct response to an inquiry or set of circumstances.

"§ 541.705 Trainees

"The executive, administrative, professional, [outside sales] and computer employee exemptions do not apply to employees training for employment in an executive, administrative, professional, [outside sales] or computer employee capacity who are not actually performing the duties of an executive, administrative, professional, [outside sales] or computer employee.

"§ 541.706 Emergencies

"(a) An exempt employee will not lose the exemption by performing work of a normally nonexempt nature because of the existence of an emergency. Thus, when emergencies arise that threaten the safety of employees, a cessation of operations or serious damage to the employer's property, any work performed in an effort to prevent such results is considered exempt work.

"(b) An 'emergency' does not include occurrences that are not beyond control or for which the employer can reasonably provide in the normal course of business. Emergencies generally occur only rarely, and are events that the employer cannot reasonably anticipate.

"(c) The following examples illustrate the distinction between emergency work considered exempt work and routine work that is not exempt work:

"(1) [A mine superintendent who pitches in after an explosion and digs out workers who are trapped in the mine is still a bona fide executive.]<<Reserved.>>

"(2) Assisting nonexempt employees with their work during periods of heavy workload or to handle rush orders is not exempt work.

"(3) Replacing a nonexempt employee during the first day or partial day of an illness may be considered exempt emergency work depending on factors such as the size of the [establishment]<<location>> and of the executive's department, the nature of the [industry]<<work performed by the employing office>>, the consequences that would flow from the failure to replace the ailing employee immediately, and the feasibility of filling the employee's place promptly.

"(4) Regular repair and cleaning of equipment is not emergency work, even when necessary to prevent fire or explosion; however, repairing equipment may be emergency work if the breakdown of or damage to the equipment was caused by accident or carelessness that the employer could not reasonably anticipate.

"§ 541.707 Occasional tasks

"Occasional, infrequently recurring tasks that cannot practicably be performed by nonexempt employees, but are the means for an exempt employee to properly carry out exempt functions and responsibilities, are considered exempt work. The following factors should be considered in determining whether such work is exempt work: Whether the same work is performed by any of the exempt employee's subordinates; practicability of delegating the work to a nonexempt employee; whether the exempt employee performs the task frequently or occasionally; and existence of an industry practice for the exempt employee to perform the task.

"§ 541.708 Combination exemptions

"Employees who perform a combination of exempt duties as set forth in the regulations in this part for executive, administrative, professional, [outside sales] and computer employees may qualify for exemption. Thus, for example, an employee whose primary duty involves a combination of exempt administrative and exempt executive work may qualify for exemption. In other words, work that is exempt under one section of this part will not defeat the exemption under any other section.

["§ 541.709 Motion picture producing industry

["The requirement that the employee be paid 'on a salary basis' does not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least $1,043 per week (exclusive of board, lodging, or other facilities). Thus, an employee in this industry who is otherwise exempt under subparts B, C, or D of this part, and who is employed at a base rate of at least the applicable current minimum amount a week is exempt if paid a proportionate amount (based on a week of not more than 6 days) for any week in which the employee does not work a full workweek for any reason. Moreover, an otherwise exempt employee in this industry qualifies for exemption if the employee is employed at a daily rate under the following circumstances:]

["(a) The employee is in a job category for which a weekly base rate is not provided and the daily base rate would yield at least the minimum weekly amount if 6 days were worked; or]

["(b) The employee is in a job category having the minimum weekly base rate and the daily base rate is at least one-sixth of such weekly base rate.]

"§ 541.709 <<Reserved.>>

"§ 541.710 [Employees of public agencies]<<Effect of certain deductions on exempt employee pay>>

"(a) An employee [of a public agency] who otherwise meets the salary basis requirements of §541.602 shall not be disqualified from exemption under §541.100, 541.200, 541.300 or 541.400 on the basis that such employee is paid according to a pay system established by statute, ordinance or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the [public agency] employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because:

"(1) Permission for its use has not been sought or has been sought and denied;

"(2) Accrued leave has been exhausted; or

"(3) The employee chooses to use leave without pay.

"(b) Deductions from the pay of an employee [of a public agency] for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.".

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 2617

The SPEAKER pro tempore. Pursuant to House Resolution 1518, H. Con. Res. 124 is considered adopted.

The text of the concurrent resolution is as follows:

H. CON. RES. 124

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 2617, the Clerk of the House of Representatives shall make the following corrections:

(1) Strike all after the enacting clause through page 3, line 19 (the first sections 1 and 2).

(2) Strike "Division C" and all that follows through the end.

PERFORMANCE ENHANCEMENT REFORM ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1518, the Senate amendments to H.R. 2617 numbered 1, 2, 3, and 5 are considered as agreed to.

The Senate amendment number 4 to H.R. 2617 is considered as agreed to with an amendment consisting of the text of Rules Committee Print 117–73.

Senate amendments:

(1) On page 3, line 12, strike [Chief]

(2) On page 3, line 12, strike [Office] and insert: *Officer of each agency*

(3) On page 3, line 17, after "equivalent)" insert: *of that agency*

(4) On page 3, line 19, after "(5)" insert: *for that agency*

(5) On page 4, line 1, strike [House] and insert: *Senate*

The text of the House amendment to Senate amendment No. 4 is as follows:

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2617

At the end of the matter inserted by the Senate, insert the following: .".

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2023.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

TITLE I

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary, $69,845,000, of which not to exceed $8,432,000 shall be available for the immediate Office of the Secretary; not to exceed $1,396,000 shall be available for the Office of Homeland Security; not to exceed $5,190,000 shall be available for the Office of Tribal Relations; not to exceed $11,287,000 shall be available for the Office of Partnerships and Public Engagement, of which $1,500,000 shall be for 7 U.S.C. 2279(c)(5); not to exceed $28,822,000 shall be available for the Office of the Assistant Secretary for Administration, of which $27,116,000 shall be available for Departmental Administration to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That funds made available by this Act to an agency in the Administration mission area for salaries and expenses are available to fund up to one administrative support staff for the Office; not to exceed $4,609,000 shall be available for the Office of Assistant Secretary for Congressional Relations and Intergovernmental Affairs to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch; and not to exceed $10,109,000 shall be available for the Office of Communications: Provided further, That the Secretary of Agriculture is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent: Provided further, That not to exceed $22,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That the amount made available under this heading for Departmental Administration shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: Provided further, That funds made available under this heading for the Office of the Assistant Secretary for Congressional Relations and Intergovernmental Affairs shall be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available under this heading for the Office of Assistant Secretary for Congressional Relations may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That during any 30 day notification period referenced in section 716 of this Act, the Secretary of Agriculture shall take no action to begin implementation of the action that is subject to section 716 of this Act or make any public announcement of such action in any form.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, $30,181,000, of which $8,000,000 shall be for grants or cooperative agreements for policy research under 7 U.S.C. 3155: Provided, That of the amounts made available under this heading, $500,000 shall be available to carry out section 224 of subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6924), as amended by section 12504 of Public Law 115–334.

OFFICE OF HEARINGS AND APPEALS

For necessary expenses of the Office of Hearings and Appeals, $16,703,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $16,967,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $93,284,000, of which not less than $77,428,000 is for cybersecurity requirements of the department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $9,559,000.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $1,466,000: Provided, That funds made available by this Act to an agency in the Civil Rights mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $37,595,000.

AGRICULTURE BUILDINGS AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 121, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $68,858,000, to remain available until expended.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), $8,581,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

OFFICE OF SAFETY, SECURITY, AND PROTECTION

For necessary expenses of the Office of Safety, Security, and Protection, $21,800,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), $111,061,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) and section 1337 of the Agriculture and Food Act of 1981 (Public Law 97–98).

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $62,137,000.

OFFICE OF ETHICS

For necessary expenses of the Office of Ethics, $5,556,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education, and Economics, $3,384,000: Provided, That funds made available by this Act to an agency in the Research, Education, and Economics mission area for salaries and expenses are available to fund up to one administrative support staff for the Office: Provided further, That of the amounts made available under this heading, $2,000,000 shall be made available for the Office of the Chief Scientist.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, $90,612,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $211,023,000, of which up to $66,361,000 shall be available until expended for the Census of Agriculture: Provided, That amounts made available for the Census of Agriculture may be used to conduct Current Industrial Report surveys subject to 7 U.S.C. 2204g(d) and (f).

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,737,629,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $500,000, except for headhouses or greenhouses which shall each be limited to $1,800,000, except for 10 buildings to be constructed or improved at a cost not to exceed $1,100,000 each, and except for four buildings to be constructed at a cost not to exceed $5,000,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $500,000, whichever is greater: Provided further, That appropriations hereunder shall be available for entering into lease agreements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by the Agricultural Research Service and a condition of the lease shall be that any facility shall be owned, operated, and maintained by the non-Federal entity and shall be removed upon the expiration or termination of the lease agreement: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That *appropriations hereunder shall be available for granting easements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by, and acceptable to, the Agricultural Research Service and a condition of the easements shall be that upon completion the facility shall be accepted by the Secretary, subject to the availability of funds herein, if the Secretary finds that acceptance of the facility is in the interest of the United States: Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.*

BUILDINGS AND FACILITIES

For the acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $57,305,000 to remain available until expended, of which $25,900,000 shall be for the purposes, and in the amounts, specified for this account in the table titled ''Community Project Funding'' in the report accompanying this Act.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $1,142,021,000, which shall be for the purposes, and in the amounts, specified in the table titled ''National Institute of Food and Agriculture, Research and Education Activities'' in the report accompanying this Act: Provided, That funds for research grants for 1994 institutions, education grants for 1890 institutions, Hispanic serving institutions education grants, capacity building for non-land-grant colleges of agriculture, the agriculture and food research initiative, veterinary medicine loan repayment, multicultural scholars, graduate fellowship and institution challenge grants, grants management systems, tribal colleges education equity grants, and scholarships at 1890 institutions shall remain available until expended: Provided further, That each institution eligible to receive funds under the Evans-Allen program receives no less than $1,000,000: Provided further, That funds for education grants for Alaska Native and Native Hawaiian-serving institutions be made available to individual eligible institutions or consortia of eligible institutions with funds awarded equally to each of the States of Alaska and Hawaii: Provided further, That funds for providing grants for food and agricultural sciences for Alaska Native and Native Hawaiian-Serving institutions and for Insular Areas shall remain available until September 30, 2024: Provided further, That funds for education grants for 1890 institutions shall be made available to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222: Provided further, That not more than 5 percent of the amounts made available by this or any other Act to carry out the Agriculture and Food Research Initiative under 7 U.S.C. 3157 may be retained by the Secretary of Agriculture to pay administrative costs incurred by the Secretary in carrying out that authority.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $586,502,000, which shall be for the purposes, and in the amounts, specified in the table titled ''National Institute of Food and Agriculture, Extension Activities'' in the report accompanying this Act: Provided, That funds for extension services at 1994 institutions and for facility improvements at 1890 institutions shall remain available until expended: Provided further, That institutions eligible to receive funds under 7 U.S.C. 3221 for cooperative extension receive no less than $1,000,000: Provided further, That funds for cooperative extension under sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of Public Law 93–471 shall be available for retirement and employees' compensation costs for extension agents.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $39,500,000, which shall be for the purposes, and in the amounts, specified in the table titled ''National Institute of Food and Agriculture, Integrated Activities'' in the report accompanying this Act: Provided, That funds for the Food and Agriculture Defense Initiative shall remain available until September 30, 2024: Provided further, That notwithstanding any other provision of law, indirect costs shall not be charged against any Extension Implementation Program Area grant awarded under the Crop Protection/Pest Management Program (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $1,617,000: Provided, That funds made available by this Act to an agency in the Marketing and Regulatory Programs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $1,164,209,000, of which $530,000, to remain available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds (''contingency fund'') to the extent necessary to meet emergency conditions; of which $15,950,000, to remain available until expended, shall be used for the cotton pests program, including for cost share purposes or for debt retirement for active eradication zones; of which $39,183,000, to remain available until expended, shall be for Animal Health Technical Services; of which $4,096,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which $64,930,000, to remain available until expended, shall be used to support avian health; of which $4,251,000, to remain available until expended, shall be for information technology infrastructure; of which $219,698,000, to remain available until expended, shall be for specialty crop pests; of which, $14,986,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which $24,067,000, to remain available until expended, shall be for zoonotic disease management; of which $44,117,000, to remain available until expended, shall be for emergency preparedness and response; of which $62,562,000, to remain available until expended, shall be for tree and wood pests; of which $6,528,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to $1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which $2,500,000, to remain available until expended, shall be for the wildlife damage management program for aviation safety: Provided, That of amounts available under this heading for wildlife services methods development, $1,000,000 shall remain available until expended: Provided further, That of amounts available under this heading for the screwworm program, $4,990,000 shall remain available until expended; of which $24,527,000, to remain available until expended, shall be used to carry out the science program and transition activities for the National Bio and Agro-defense Facility located in Manhattan, Kansas: Provided further, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the purchase, replacement, operation, and maintenance of aircraft: Provided further, That in addition, in emergencies which threaten any segment of the agricultural production industry of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2023, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 2268a, $3,175,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $242,913,000, of which $7,504,000 shall be available for the purposes of section 12306 of Public Law 113–79: Provided, That of the amounts made available under this heading, $25,000,000, to remain available until expended, shall be to carry out section 12513 of Public Law 115–334: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701), except for the cost of activities relating to the development or maintenance of grain standards under the United States Grain Standards Act, 7 U.S.C. 71 et seq.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $62,596,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.); (2) transfers otherwise provided in this Act; and (3) not more than $21,501,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961 (Public Law 87–128).

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,235,000.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $55,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, $1,117,000: Provided, That funds made available by this Act to an agency in the Food Safety mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $10,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,180,364,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: Provided further, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2023 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act (7 U.S.C. 1901 et seq.): Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

TITLE II

FARM PRODUCTION AND CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION

For necessary expenses of the Office of the Under Secretary for Farm Production and Conservation, $1,727,000: Provided, That funds made available by this Act to an agency in the Farm Production and Conservation mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FARM PRODUCTION AND CONSERVATION BUSINESS CENTER

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Production and Conservation Business Center, $257,684,000: Provided, That $60,228,000 of amounts appropriated for the current fiscal year pursuant to section 1241(a) of the Farm Security and Rural Investment Act of 1985 (16 U.S.C. 3841(a)) shall be transferred to and merged with this account.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,229,396,000: Provided, That not more than 50 percent of the funding made available under this heading for information technology related to farm program delivery may be obligated until the Secretary submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees of, a plan for expenditure that (1) identifies for each project/investment over $25,000 (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost for the entirety of the project/investment, including estimates for development as well as maintenance and operations, and (c) key milestones to be met; (2) demonstrates that each project/investment is, (a) consistent with the Farm Service Agency Information Technology Roadmap, (b) being managed in accordance with applicable lifecycle management policies and guidance, and (c) subject to the applicable Department's capital planning and investment control requirements; and (3) has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations of both Houses of Congress: Provided further, That the agency shall submit a report by the end of the fourth quarter of fiscal year 2023 to the Committees on Appropriations of both Houses of Congress and the Government Accountability Office, that identifies for each project/investment that is operational (a) current performance against key indicators of customer satisfaction, (b) current performance of service level agreements or other technical metrics, (c) current performance against a pre-established cost baseline, (d) a detailed breakdown of current and planned spending on operational enhancements or upgrades, and (e) an assessment of whether the investment continues to meet business needs as intended as well as alternatives to the investment: Provided further, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That of the amount appropriated under this heading, $696,594,000 shall be made available to county committees, to remain available until expended: Provided further, That, notwithstanding the preceding proviso, any funds made available to county committees in the current fiscal year that the Administrator of the Farm Service Agency deems to exceed or not meet the amount needed for the county committees may be transferred to or from the Farm Service Agency for necessary expenses: Provided further, That none of the funds available to the Farm Service Agency shall be used to close Farm Service Agency county offices: Provided further, That none of the funds available to the Farm Service Agency shall be used to permanently relocate county based employees that would result in an office with two or fewer employees without prior notification and approval of the Committees on Appropriations of both Houses of Congress.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $7,000,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $6,500,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS

For necessary expenses to carry out direct reimbursement payments to geographically disadvantaged farmers and ranchers under section 1621 of the Food Conservation, and Energy Act of 2008 (7 U.S.C. 8792), $3,000,000, to remain available until expended.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, emergency loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition loans (25 U.S.C. 5136), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), relending program (7 U.S.C. 1936c), and Indian highly fractionated land loans (25 U.S.C. 5136) to be available from funds in the Agricultural Credit Insurance Fund, as follows: $3,500,000,000 for guaranteed farm ownership loans and $3,100,000,000 for farm ownership direct loans; $2,118,491,000 for unsubsidized guaranteed operating loans and $1,633,333,000 for direct operating loans; emergency loans, $4,062,000; Indian tribe land acquisition loans, $20,000,000; guaranteed conservation loans, $150,000,000; relending program, $61,426,000; Indian highly fractionated land loans, $5,000,000; and for boll weevil eradication program loans, $60,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: $249,000 for emergency loans, to remain available until expended; and $23,520,000 for direct farm operating loans, $11,228,000 for unsubsidized guaranteed farm operating loans, $10,983,000 for the relending program, and $894,000 for Indian highly fractionated land loans.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $326,461,000: Provided, That of this amount, $305,803,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Risk Management Agency, $75,443,000; of which $4,500,000 shall be available to conduct research and development and carry out contracting and partnerships as described under subsections 522(c) and (d) of the Federal Crop Insurance Act, as amended (7 U.S.C. 1522(c) and (d)), in addition to amounts otherwise provided for such purposes: Provided, That $1,000,000 of the amount appropriated under this heading in this Act shall be available for compliance and integrity activities required under section 516(b)(2)(C) of the Federal Crop Insurance Act of 1938 (7 U.S.C. 1516(b)(2)(C)), and shall be in addition to amounts otherwise provided for such purpose: Provided further, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 2268a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $1,023,777,000, to remain available until September 30, 2024, of which up to $22,973,000 shall be for the purposes, and in the amounts, specified for this account in the table titled ''Community Project Funding'' in the report accompanying this Act: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to surveys and investigations, engineering operations, works of improvement, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009) and in accordance with the provisions of laws relating to the activities of the Department, $95,000,000, to remain available until expended: Provided, That for funds provided by this Act or any other prior Act, the limitation regarding the size of the watershed or subwatershed exceeding two hundred and fifty thousand acres in which such activities can be undertaken shall only apply for activities undertaken for the primary purpose of flood prevention (including structural and land treatment measures): Provided further, That of the amounts made available under this heading, $10,000,000 shall be allocated to projects and activities that can commence promptly following enactment; that address regional priorities for flood prevention, agricultural water management, inefficient irrigation systems, fish and wildlife habitat, or watershed protection; or that address authorized ongoing projects under the authorities of section 13 of the Flood Control Act of December 22, 1944 (Public Law 78–534) with a primary purpose of watershed protection by preventing floodwater damage and stabilizing stream channels, tributaries, and banks to reduce erosion and sediment transport.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, $5,000,000 is provided.

HEALTHY FORESTS RESERVE PROGRAM

For necessary expenses to carry out the Healthy Forests Reserve Program under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6571-6578), $10,000,000, to remain available until expended.

URBAN AGRICULTURE AND INNOVATIVE PRODUCTION

For necessary expenses to carry out the Urban Agriculture and Innovative Production Program under section 222 of subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6923), as added by section 12302 of Public Law 115–334, $13,500,000.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $15,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961).

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, $1,620,000: Provided, That funds made available by this Act to an agency in the Rural Development mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of Rural Development programs, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $401,976,000: Provided, That of the amount made available under this heading, up to $5,000,000, to remain available until September 30, 2024, shall be for the Rural Partners Network activities of the Department of Agriculture, and may be transferred to other agencies of the Department for such purpose, consistent with the missions and authorities of such agencies: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support Rural Development programs: Provided further, That in addition to any other funds appropriated for purposes authorized by section 502(i) of the Housing Act of 1949 (42 U.S.C. 1472(i)), any amounts collected under such section, as amended by this Act, will immediately be credited to this account and will remain available until expended for such purposes.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $1,500,000,000 shall be for direct loans, $12,000,000 shall be for a single family housing relending demonstration program for Native American Tribes, and $30,000,000,000 shall be for unsubsidized guaranteed loans; $28,000,000 for section 504 housing repair loans; $150,000,000 for section 515 rental housing; $300,000,000 for section 538 guaranteed multifamily housing loans; $10,000,000 for credit sales of single family housing acquired property; $5,000,000 for section 523 self-help housing land development loans; and $5,000,000 for section 524 site development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $55,650,000 shall be for direct loans; $3,948,000 shall be for a single family housing relending demonstration program for Native American Tribes; section 504 housing repair loans, $2,324,000; section 523 self-help housing land development loans, $267,000; section 524 site development loans, $208,000; and repair, rehabilitation, and new construction of section 515 rental housing, $28,665,000: Provided, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: Provided further, That applicants in communities that have a current rural area waiver under section 541 of the Housing Act of 1949 (42 U.S.C. 1490q) shall be treated as living in a rural area for purposes of section 502 guaranteed loans provided under this heading: Provided further, That of the amounts available *under this paragraph for section 502 direct loans, no less than $5,000,000 shall be available for direct loans for individuals whose homes will be built pursuant to a program funded with a mutual and self-help housing grant authorized by section 523 of the Housing Act of 1949 until June 1, 2023: Provided further, That the Secretary shall implement provisions to provide incentives to nonprofit organizations and public housing authorities to facilitate the acquisition of Rural Housing Service (RHS) multifamily housing properties by such nonprofit organizations and public housing authorities that commit to keep such properties in the RHS multifamily housing program for a period of time as determined by the Secretary, with such incentives to include, but not be limited to, the following: allow such nonprofit entities and public housing authorities to earn a Return on Investment on their own resources to include proceeds from low income housing tax credit syndication, own contributions, grants, and developer loans at favorable rates and terms, invested in a deal; and allow reimbursement of organizational costs associated with owner's oversight of asset referred to as ''Asset Management Fee'' of up to $7,500 per property.*

In addition, for the cost of direct loans and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $40,000,000, to remain available until expended, for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or re-amortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: Provided, That the Secretary shall, as part of the preservation and revitalization agreement, obtain a restrictive use agreement consistent with the terms of the restructuring: Provided further, That any balances, including obligated balances, available for all demonstration programs for the preservation and revitalization of sections 514, 515, and 516 multi-family rental housing properties in the ''Multi-Family Housing Revitalization Program Account'' shall be transferred to and merged with this account, and shall also be available for the preservation and revitalization of sections 514, 515, and 516 multi-family rental housing properties, including the restructuring of existing USDA multi-family housing loans: Provided further, That following the transfer of balances described in the preceding proviso, any adjustments to obligations for demonstration programs for the preservation and revitalization of sections 514, 515, and 516 multi-family rental housing properties that would otherwise be incurred in the ''Multi-Family Housing Revitalization Program Account'' shall be made in this account from amounts transferred to this account under the preceding proviso.

In addition, for the cost of direct loans, grants, and contracts, as authorized by sections 514 and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1486), $18,126,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: Provided, That any balances available for the Farm Labor Program Account shall be transferred to and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $412,254,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949 or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $1,493,926,000, of which $40,000,000 shall be available until September 30, 2024; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: Provided further, That of the amounts made available under this heading, not less than $8,000,000 shall be available for newly constructed units financed under section 514 and 516 of the Housing Act of 1949: Provided further, That upon request by an owner of a project financed by an existing loan under section 514 or 515 of the Act, the Secretary may renew the rental assistance agreement for a period of 20 years or until the term of such loan has expired, subject to annual appropriations: Provided further, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for purposes of any debt reduction, maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2023 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act: Provided further, That except as provided in the fifth proviso under this heading and notwithstanding any other provision of the Act, the Secretary may recapture rental assistance provided under agreements entered into prior to fiscal year 2023 for a project that the Secretary determines no longer needs rental assistance and use such recaptured funds for current needs.

RURAL HOUSING VOUCHER ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, $38,000,000, to remain available until expended: Provided, That the funds made available under this heading shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid or otherwise paid off after September 30, 2005: Provided further, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: Provided further, That in addition to any other available funds, the Secretary may expend not more than $1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $33,000,000, to remain available until expended.

RURAL HOUSING ASSISTANCE GRANTS

For grants for very low-income housing repair and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, and 1490m, $48,000,000, to remain available until expended.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $2,800,000,000 for direct loans and $650,000,000 for guaranteed loans.

For the cost of direct loans, loan guarantees and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $194,865,000, to remain available until expended, of which up to $126,865,000 shall be for the purposes, and in the amounts, specified for this account in the table titled ''Community Project Funding'' in the report accompanying this Act: Provided, That $8,000,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That any unobligated balances from prior year appropriations under this heading for the cost of direct loans, loan guarantees and grants, including amounts deobligated or cancelled, may be made available to cover the subsidy costs for direct loans and or loan guarantees under this heading in this fiscal year: Provided further, That no amounts may be made available pursuant to the preceding proviso from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, or that were specified in the table titled ''Community Project Funding/Congressionally Directed Spending'' in the explanatory statement for Division A of Public Law 117–103 described in section 4 in the matter preceding such division A: Provided further, That $10,000,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by section 310B and described in subsections (a), (c), (f) and (g) of section 310B of the Consolidated Farm and Rural Development Act, $88,800,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for one grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $9,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.), the Northern Border Regional Commission (40 U.S.C. 15101 et seq.), and the Appalachian Regional Commission (40 U.S.C. 14101 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: Provided further, That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading.

INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), $18,889,000.

For the cost of direct loans, $3,313,000, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), of which $331,000 shall be available through June 30, 2023, for Federally Recognized Native American Tribes; and of which $663,000 shall be available through June 30, 2023, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, $4,468,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For the principal amount of direct loans, as authorized under section 313B(a) of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $50,000,000.

The cost of grants authorized under section 313B(a) of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects shall not exceed $10,000,000.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $27,600,000, of which $2,800,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $3,000,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which $16,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 210A of the Agricultural Marketing Act of 1946, of which $3,000,000, to remain available until expended, shall be for Agriculture Innovation Centers authorized pursuant to section 6402 of Public Law 107–171.

RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM

For the principal amount of direct loans authorized by section 379E of the Consolidated Farm and Rural Development Act (U.S.C. 2008s), $25,000,000.

For the cost of loans and grants, $6,000,000 under the same terms and conditions as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s).

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $10,045,000: Provided, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

HEALTHY FOOD FINANCING INITIATIVE

For the cost of loans and grants that is consistent with section 243 of subtitle D of title II of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6953), as added by section 4206 of the Agricultural Act of 2014, for necessary expenses of the Secretary to support projects that provide access to healthy food in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities, $5,000,000, to remain available until expended: Provided, That such costs of loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act, as follows: $1,450,000,000 for direct loans; and $50,000,000 for guaranteed loans.

For the cost of loan guarantees and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, for rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $685,072,000, to remain available until expended, of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $5,000,000 shall be available for the rural utilities program described in section 306E of such Act: Provided, That not to exceed $15,000,000 of the amount appropriated under this heading shall be for grants authorized by section 306A(i)(2) of the Consolidated Farm and Rural Development Act in addition to funding authorized by section 306A(i)(1) of such Act: Provided further, That $70,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by section 306C(a)(2)(B) and section 306D of the Consolidated Farm and Rural Development Act, and Federally Recognized Native American Tribes authorized by 306C(a)(1) of such Act: Provided further, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105–83: Provided further, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105–83 for training and technical assistance programs: Provided further, That not to exceed $37,500,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $8,500,000 shall be made available for a grant to a qualified nonprofit multi-State regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: Provided further, That not to exceed $20,762,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That not to exceed $4,000,000 of the amounts made available under this heading shall be for solid waste management grants: Provided further, That $10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high-energy cost grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Cost Grants Account: Provided further, That not to exceed $6,810,000 of the amounts appropriated under this heading shall be available as the Secretary deems appropriate for water and waste direct one percent loans for distressed communities: Provided further, That if the Secretary determines that any portion of the amount made available for one percent loans is not needed for such loans, the Secretary may use such amounts, for grants authorized by section 306(a)(2) of the Consolidated Farm and Rural Development Act: Provided further, That if any funds made available for the direct loan subsidy costs remain unobligated after July 31, 2024, such unobligated balances may be used for grant programs funded under this heading: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 4, 305, 306, and 317 of the Rural Electrification Act of 1936 (7 U.S.C. 904, 935, 936, and 940g) shall be made as follows: loans made pursuant to section 306, guaranteed electric loans, $2,167,000,000; loans made pursuant to sections 4, notwithstanding 4(c)(2), of that Act, and 317, notwithstanding 317(c), of that Act, cost-of-money direct loans, $4,333,000,000; loans made pursuant to section 313A of that Act, guaranteed underwriting loans, $800,000,000; and for loans made pursuant *to section 305(d)(2) of that Act, cost of money telecommunications loans, $690,000,000.*

For the cost of direct loans as authorized by section 305(d)(2) of the Rural Electrification Act of 1936 (7 U.S.C. 935(d)(2)), including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, cost of money rural telecommunications loans, $3,726,000.

In addition, $11,500,000 to remain available until expended, to carry out section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a): Provided, That the energy efficiency measures supported by the funding in this paragraph shall contribute in a demonstrable way to the reduction of greenhouse gases.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $33,270,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $60,000,000, to remain available until expended: Provided, That $3,000,000 shall be made available for grants authorized by section 379G of the Consolidated Farm and Rural Development Act: Provided further, That funding provided under this heading for grants under section 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section.

For the cost of broadband loans, as authorized by sections 601 and 602 of the Rural Electrification Act, $2,000,000, to remain available until expended: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

For the broadband loan and grant pilot program established by section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141) under the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 et seq.), $465,513,000, to remain available until expended, of which up to $15,513,000 shall be for the purposes, and in the amounts, specified for this account in the table titled ''Community Project Funding'' in the report accompanying this Act: Provided, That the Secretary may award grants described in section 601(a) of the Rural Electrification Act of 1936, as amended (7 U.S.C. 950bb(a)) for the purposes of carrying out such pilot program: Provided further, That the cost of direct loans shall be defined in section 502 of the Congressional Budget Act of 1974: Provided further, That at least 90 percent of the households to be served by a project receiving a loan or grant under the pilot program shall be in a rural area without sufficient access to broadband: Provided further, That for purposes of such pilot program, a rural area without sufficient access to broadband shall be defined as twenty-five megabytes per second downstream and three megabytes per second upstream: Provided further, That to the extent possible, projects receiving funds provided under the pilot program must build out service to at least one hundred megabytes per second downstream, and twenty megabytes per second upstream: Provided further, That an entity to which a loan or grant is made under the pilot program shall not use the loan or grant to overbuild or duplicate broadband service in a service area by any entity that has received a broadband loan from the Rural Utilities Service unless such service is not provided sufficient access to broadband at the minimum service threshold: Provided further, That not more than four percent of the funds made available in this paragraph can be used for administrative costs to carry out the pilot program and up to three percent of funds made available in this paragraph may be available for technical assistance and pre-development planning activities to support the most rural communities: Provided further, That the Rural Utilities Service is directed to expedite program delivery methods that would implement this paragraph: Provided further, That for purposes of this paragraph, the Secretary shall adhere to the notice, reporting and service area assessment requirements set forth in section 701 of the Rural Electrification Act (7 U.S.C. 950cc).

In addition, $35,000,000, to remain available until expended, for the Community Connect Grant Program authorized by 7 U.S.C. 950bb–3.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services, $1,376,000: Provided, That funds made available by this Act to an agency in the Food, Nutrition and Consumer Services mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $28,619,957,000 to remain available through September 30, 2024, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: Provided, That of the total amount available, $20,162,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): Provided further, That of the total amount available, $21,005,000 shall be available to carry out studies and evaluations and shall remain available until expended: Provided further, That of the total amount available, $12,000,000 shall remain available until expended to carry out section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)): Provided further, That notwithstanding section 18(g)(3)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)(c)), the total grant amount provided to a farm to school grant recipient in fiscal year 2023 shall not exceed $500,000: Provided further, That of the total amount available, $40,000,000 shall be available to provide competitive grants to State agencies for subgrants to local educational agencies and schools to purchase the equipment, with a value of greater than $1,000, needed to serve healthier meals, improve food safety, and to help support the establishment, maintenance, or expansion of the school breakfast program: Provided further, That of the total amount available, $50,000,000 shall remain available until expended to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80): Provided further, That of the total amount available, $10,000,000 shall be available until September 30, 2024 to carry out section 23 of the Child Nutrition Act of 1966 (42 U.S.C. 1793), of which $2,000,000 shall be for grants under such section to the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, and American Samoa: Provided further, That section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking ''2010 through 2023'' and inserting ''2010 through 2024'': Provided further, That section 9(h)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3)) is amended in the first sentence by striking ''For fiscal year 2022'' and inserting ''For fiscal year 2023'': Provided further, That section 9(h)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(4)) is amended in the first sentence by striking ''For fiscal year 2022'' and inserting ''For fiscal year 2023''.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,000,000,000, to remain available through September 30, 2024: Provided, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), not less than $90,000,000 shall be used for breastfeeding peer counselors and other related activities, and $14,000,000 shall be used for infrastructure: Provided further, That the Secretary shall use funds made available under this heading to increase the amount of a cash-value voucher for women and children participants to an amount recommended by the National Academies of Science, Engineering and Medicine and adjusted for inflation: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: Provided further, That upon termination of a federally mandated vendor moratorium and subject to terms and conditions established by the Secretary, the Secretary may waive the requirement at 7 CFR 246.12(g)(6) at the request of a State agency.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $111,180,895,000, of which $3,000,000,000, to remain available through September 30, 2025, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: Provided further, That of the funds made available under this heading, $998,000 may be used to provide nutrition education services to State agencies and Federally Recognized Tribes participating in the Food Distribution Program on Indian Reservations: Provided further, That of the funds made available under this heading, $3,000,000, to remain available until September 30, 2024, shall be used to carry out section 4003(b) of Public Law 115–334 relating to demonstration projects for tribal organizations: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available through September 30, 2024: Provided further, That funds made available under this heading for section 28(d)(1), section 4(b), and section 27(a) of the Food and Nutrition Act of 2008 shall remain available through September 30, 2024: Provided further, That none of the funds made available under this heading may be obligated or expended in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183A): Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

For making, after June 30 of the current fiscal year, benefit payments to individuals, and payments to States or other non-Federal entities, pursuant to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), for unanticipated costs *incurred for the last three months of the fiscal year, such sums as may be necessary.*

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $469,710,000, to remain available through September 30, 2024: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2023 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2024: Provided further, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 20 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $231,378,000: Provided, That of the funds provided herein, $2,000,000 shall be used for the purposes of section 4404 of Public Law 107–171, as amended by section 4401 of Public Law 110–246.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS

For necessary expenses of the Office of the Under Secretary for Trade and Foreign Agricultural Affairs, $932,000: Provided, That funds made available by this Act to any agency in the Trade and Foreign Agricultural Affairs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

OFFICE OF CODEX ALIMENTARIUS

For necessary expenses of the Office of Codex Alimentarius, $4,922,000, including not to exceed $40,000 for official reception and representation expenses.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $250,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $234,913,000, of which no more than 6 percent shall remain available until September 30, 2024, for overseas operations to include the payment of locally employed staff: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: Provided further, That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480), for commodities supplied in connection with dispositions abroad under title II of said Act, $1,800,000,000, to remain available until expended.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $265,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein: Provided further, That of the amount made available under this heading, not more than 10 percent, but not less than $26,500,000, shall remain available until expended to purchase agricultural commodities as described in subsection 3107(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1(a)(2)).

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's Export Guarantee Program, GSM 102 and GSM 103, $6,063,000, to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, which shall be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses''.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; in addition to amounts appropriated to the FDA Innovation Account, for carrying out the activities described in section 1002(b)(4) of the 21st Century Cures Act (Public Law 114–255); for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $6,484,171,000: Provided, That of the amount provided under this heading, $1,224,132,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended; $248,342,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $550,449,000 shall be derived from human generic drug user fees authorized by 21 U.S.C. 379j–42, and shall be credited to this account and remain available until expended; $40,841,000 shall be derived from biosimilar biological product user fees authorized by 21 U.S.C. 379j–52, and shall be credited to this account and remain available until expended; $32,238,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j–12, and shall be credited to this account and remain available until expended; $29,459,000 shall be derived from generic new animal drug user fees authorized by 21 U.S.C. 379j–21, and shall be credited to this account and remain available until expended; $712,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s, and shall be credited to this account and remain available until expended: Provided further, That in addition to and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees, medical device user fees, human generic drug user fees, biosimilar biological product user fees, animal drug user fees, and generic new animal drug user fees that exceed the respective fiscal year 2023 limitations are appropriated and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, human generic drug, biosimilar biological product, animal drug, and generic new animal drug assessments for fiscal year 2023, including any such fees collected prior to fiscal year 2023 but credited for fiscal year 2023, shall be subject to the fiscal year 2023 limitations: Provided further, That the Secretary may accept payment during fiscal year 2023 of user fees specified under this heading and authorized for fiscal year 2024, prior to the due date for such fees, and that amounts of such fees assessed for fiscal year 2024 for which the Secretary accepts payment in fiscal year 2023 shall not be included in amounts under this heading: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $1,244,007,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, of which no less than $15,000,000 shall be used for inspections of foreign seafood manufacturers and field examinations of imported seafood; (2) $2,225,209,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $10,000,000 shall be for pilots to increase unannounced foreign inspections and shall remain available until expended, and $15,000,000 shall be for coordinating programs and activities of the Food and Drug Administration with those of the Drug Enforcement Administration and U.S. Customs and Border Protection to combat the illicit importation of opioids, including fentanyl, through international mail facilities and land ports-of entry; (3) $477,782,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $295,999,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $682,221,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $77,893,000 shall be for the National Center for Toxicological Research; (7) $677,165,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) $216,603,000 shall be for Rent and Related activities, of which $56,011,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) $237,917,000 shall be for payments to the General Services Administration for rent; and (10) $349,375,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Food Policy and Response, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: Provided further, That not to exceed $25,000 of this amount shall be for official *reception and representation expenses, not otherwise provided for, as determined by the Commissioner: Provided further, That any transfer of funds pursuant to, and for the administration of, section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only be from amounts made available under this heading for other activities and shall not exceed $2,000,000: Provided further, That of the amounts that are made available under this heading for ''other activities'', and that are not derived from user fees, $1,500,000 shall be transferred to and merged with the appropriation for ''Department of Health and Human Services—Office of Inspector General'' for oversight of the programs and operations of the Food and Drug Administration and shall be in addition to funds otherwise made available for oversight of the Food and Drug Administration: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.*

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, priority review user fees authorized by 21 U.S.C. 360n and 360ff, food and feed recall fees, food reinspection fees, and voluntary qualified importer program fees authorized by 21 U.S.C. 379j–31, outsourcing facility fees authorized by 21 U.S.C. 379j–62, prescription drug wholesale distributor licensing and inspection fees authorized by 21 U.S.C. 353(e)(3), third-party logistics provider licensing and inspection fees authorized by 21 U.S.C. 360eee–3(c)(1), third-party auditor fees authorized by 21 U.S.C. 384d(c)(8), medical countermeasure priority review voucher user fees authorized by 21 U.S.C. 360bbb–4a, and fees relating to over-the-counter monograph drugs authorized by 21 U.S.C. 379j–72 shall be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, demolition, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $16,000,000, to remain available until expended.

FDA INNOVATION ACCOUNT, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described under section 1002(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes under the heading ''Salaries and Expenses'', $50,000,000, to remain available until expended: Provided, That amounts appropriated in this paragraph are appropriated pursuant to section 1002(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section 1002(b)(2)(A) of such Act, and may be transferred by the Commissioner of Food and Drugs to the appropriation for ''Department of Health and Human Services Food and Drug Administration Salaries and Expenses'' solely for the purposes provided in such Act: Provided further, That upon a determination by the Commissioner that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the account: Provided further, That such transfer authority is in addition to any other transfer authority provided by law.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases), in the District of Columbia and elsewhere, $365,000,000, including not to exceed $3,000 for official reception and representation expenses, and not to exceed $25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, of which not less than $20,000,000 shall remain available until September 30, 2024, and of which not less than $4,567,000 shall be for expenses of the Office of the Inspector General: Provided, That notwithstanding the limitations in 31 U.S.C. 1553, amounts provided under this heading are available for the liquidation of obligations equal to current year payments on leases entered into prior to the date of enactment of this Act: Provided further, That for the purpose of recording and liquidating any lease obligations that should have been recorded and liquidated against accounts closed pursuant to 31 U.S.C. 1552, and consistent with the preceding proviso, such amounts shall be transferred to and recorded in a no-year account in the Treasury, which has been established for the sole purpose of recording adjustments for and liquidating such unpaid obligations.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $88,500,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships: Provided further, That the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress: Provided further, That the purposes of section 3.7(b)(2)(A)(i) of the Farm Credit Act of 1971 (12 U.S.C. 2128(b)(2)(A)(i)), the Farm Credit Administration may exempt, an amount in its sole discretion, from the application of the limitation provided in that clause of export loans described in the clause guaranteed or insured in a manner other than described in subclause (II) of the clause.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. The Secretary may use any appropriations made available to the Department of Agriculture in this Act to purchase new passenger motor vehicles, in addition to specific appropriations for this purpose, so long as the total number of vehicles purchased in fiscal year 2023 does not exceed the number of vehicles owned or leased in fiscal year 2018: Provided, That, prior to purchasing additional motor vehicles, the Secretary must determine that such vehicles are necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety: Provided further, That the Secretary may not increase the Department of Agriculture's fleet above the 2018 level unless the Secretary notifies in writing, and receives approval from, the Committees on Appropriations of both Houses of Congress within 30 days of the notification.

SEC. 702. Notwithstanding any other provision of this Act, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or any other available unobligated discretionary balances that are remaining available of the Department of Agriculture to the Working Capital Fund for the acquisition of property, plant and equipment and for the improvement, delivery, and implementation of Department financial, and administrative information technology services, and other support systems necessary for the delivery of financial, administrative, and information technology services, including cloud adoption and migration, of primary benefit to the agencies of the Department of Agriculture, such transferred funds to remain available until expended: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 716 of this Act: Provided further, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to initiate, plan, develop, implement, or make any changes to remove or relocate any systems, missions, personnel, or functions of the offices of the Chief Financial Officer and the Chief Information Officer, co-located with or from the National Finance Center prior to written notification to and prior approval of the Committee on Appropriations of both Houses of Congress and in accordance with the requirements of section 716 of this Act: Provided further, That the National Finance Center Information Technology Services Division personnel and data center management responsibilities, and control of any functions, missions, and systems for current and future human resources management and integrated personnel and payroll systems (PPS) and functions provided by the Chief Financial Officer and the Chief Information Officer shall remain in the National Finance Center and under the management responsibility and administrative control of the National Finance Center: Provided further, That the Secretary of Agriculture and the offices of the Chief Financial Officer shall actively market to existing and new Departments and other government agencies National Finance Center shared services including, but not limited to, payroll, financial management, and human capital shared services and allow the National Finance Center to perform technology upgrades: Provided further, That of annual income amounts in the Working Capital Fund of the Department of Agriculture attributable to the amounts in excess of the true costs of the shared services provided by the National Finance Center and budgeted for the National Finance Center, the Secretary shall reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement, delivery, and implementation of financial, administrative, and information technology services, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: Provided further, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of both Houses of Congress: Provided further, That the limitations on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions *in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.*

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That notwithstanding section 11319 of title 40, United States Code, none of the funds available to the Department of Agriculture for information technology shall be obligated for projects, contracts, or other agreements over $25,000 prior to receipt of written approval by the Chief Information Officer: Provided further, That the Chief Information Officer may authorize an agency to obligate funds without written approval from the Chief Information Officer for projects, contracts, or other agreements up to $250,000 based upon the performance of an agency measured against the performance plan requirements described in the explanatory statement accompanying Public Law 113–235.

SEC. 707. Funds made available under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 708. Notwithstanding any other provision of law, any former Rural Utilities Service borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313B(a) of such Act in the same manner as a borrower under such Act.

SEC. 709. (a) Except as otherwise specifically provided by law, not more than $20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Farm Service Agency shall remain available through September 30, 2024, for information technology expenses.

(b) Except as otherwise specifically provided by law, not more than $20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Rural Development mission area shall remain available through September 30, 2024, for information technology expenses.

SEC. 710. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 711. In the case of each program established or amended by the Agricultural Act of 2014 (Public Law 113–79) or by a successor to that Act, other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 712. Of the funds made available by this Act, not more than $2,900,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 713. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 714. Notwithstanding subsection (b) of section 14222 of Public Law 110–246 (7 U.S.C. 612c–6; in this section referred to as ''section 14222''), none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c; in this section referred to as ''section 32'') in excess of $1,483,309,000 (exclusive of carryover appropriations from prior fiscal years), as follows: Child Nutrition Programs Entitlement Commodities—$485,000,000; State Option Contracts—$5,000,000; Removal of Defective Commodities—$2,500,000; Administration of section 32 Commodity Purchases—$37,178,000: Provided, That, of the total funds made available in the matter preceding this proviso that remain unobligated on October 1, 2023, such unobligated balances shall carryover into fiscal year 2024 and shall remain available until expended for any of the purposes of section 32, except that any such carryover funds used in accordance with clause (3) of section 32 may not exceed $350,000,000 and may not be obligated until the Secretary of Agriculture provides written notification of the expenditures to the Committees on Appropriations of both Houses of Congress at least two weeks in advance: Provided further, That, with the exception of any available carryover funds authorized in any prior appropriations Act to be used for the purposes of clause (3) of section 32, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture to carry out clause (3) of section 32.

SEC. 715. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's budget submission to the Congress for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2024 appropriations Act.

SEC. 716. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming, transfer of funds, or reimbursements as authorized by the Economy Act, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–106 (7 U.S.C. 2263), that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming or transfer of such funds or the use of such authority.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify in writing and receive approval from the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for—

(1) modifying major capital investments funding levels, including information technology systems, that involves increasing or decreasing funds in the current fiscal year for the individual investment in excess of $500,000 or 10 percent of the total cost, whichever is less;

(2) realigning or reorganizing new, current, or vacant positions or agency activities or functions to establish a center, office, branch, or similar entity with five or more personnel; or

(3) carrying out activities or functions that were not described in the budget request;

unless the agencies funded by this Act notify, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of using the funds for these purposes.

(e) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission receives from the Committee on Appropriations of both Houses of Congress written or electronic mail confirmation of receipt of the notification as required in this section.

SEC. 717. Notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, or the Farm Credit Administration shall be used to transmit or otherwise make available reports, questions, or responses to questions that are a result of information requested for the appropriations hearing process to any non-Department of Agriculture, non-Department of Health and Human Services, non-Commodity Futures Trading Commission, or non-Farm Credit Administration employee.

SEC. 719. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 720. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 60 days in a fiscal year unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 721. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture, the Commissioner of the Food and Drug Administration, the Chairman of the Commodity Futures Trading Commission, and the Chairman of the Farm Credit Administration shall submit to the Committees on Appropriations of both Houses of Congress a detailed spending plan by program, project, and activity for all the funds made available under this Act including appropriated user fees, as defined in the report accompanying this Act.

SEC. 722. None of the funds made available by this Act may be used to propose, promulgate, or implement any rule, or take any other action with respect to, allowing or requiring information intended for a prescribing health care professional, in the case of a drug or biological product subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)), to be distributed to such professional electronically (in lieu of in paper form) unless and until a Federal law is enacted to allow or require such distribution.

SEC. 723. For the purposes of determining eligibility or level of program assistance for Rural Development programs the Secretary shall not include incarcerated prison populations.

SEC. 724. For loans and loan guarantees that do not require budget authority and the program level has been established in this Act, the Secretary of Agriculture may increase the program level for such loans and loan guarantees by not more than 25 percent: Provided, That prior to the Secretary implementing such an increase, the Secretary notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 15 days in advance.

SEC. 725. None of the credit card refunds or rebates transferred to the Working Capital Fund pursuant to section 729 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 2235a; Public Law 107–76) shall be available for obligation without written notification to, and the prior approval of, the Committees on Appropriations of both Houses of Congress: Provided, That the refunds or rebates so transferred shall be available for obligation only for the acquisition of property, plant and equipment, including equipment for the improvement, delivery, and implementation of Departmental financial management, information technology, and other support systems necessary for the delivery of financial, administrative, and information technology services, including cloud adoption and migration, of primary benefit to the agencies of the Department of Agriculture.

SEC. 726. None of the funds made available by this Act may be used to implement, administer, or enforce the ''variety'' requirements of the final rule entitled ''Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)'' published by the Department of Agriculture in the Federal Register on December 15, 2016 (81 Fed. Reg. 90675) until the Secretary of Agriculture amends the definition of the term ''variety'' as defined in section 278.1(b)(1)(ii)(C) of title 7, Code of Federal Regulations, and ''variety'' as applied in the definition of the term ''staple food'' as defined in section 271.2 of title 7, Code of Federal Regulations, to increase the number of items that qualify as acceptable varieties in each staple food category so that the total number of such items in each staple food category exceeds the number of such items in each staple food category included in the final rule as published on December 15, 2016: Provided, That until the Secretary promulgates such regulatory amendments, the Secretary shall apply the requirements regarding acceptable varieties and breadth of stock to Supplemental Nutrition Assistance Program retailers that were in effect on the day before the date of the enactment of the Agricultural Act of 2014 (Public Law 113–79).

SEC. 727. In carrying out subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472), the Secretary of Agriculture shall have the same authority with respect to loans guaranteed under such section and eligible lenders for such loans as the Secretary has under subsections (h) and (j) of section 538 of such Act (42 U.S.C. 1490p–2) with respect to loans guaranteed under such section 538 and eligible lenders for such loans.

SEC. 728. None of the funds appropriated or otherwise made available by this Act shall be available for the United States Department of Agriculture to propose, finalize or implement any regulation that would promulgate new user fees pursuant to 31 U.S.C. 9701 after the date of the enactment of this Act.

SEC. 729. For fiscal year 2023, the Secretary shall establish a process under which an establishment in the Chesapeake Bay area that is subject to examination and inspection under section 6 of the Federal Meat Inspection Act solely due to the establishment's processing of domestic, wild caught, invasive blue catfish (Ictalurus furcatus), may apply for a waiver of such examination and inspection requirements if the establishment is subject to inspection under the Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration and the establishment attests that it applies existing Seafood Hazard Critical Control Points Program for all species processed at the establishment.

SEC. 730. Notwithstanding any provision of law that regulates the calculation and payment of overtime and holiday pay for FSIS inspectors, the Secretary may charge establishments subject to the inspection requirements of the Poultry Products Inspection Act, 21 U.S.C. 451 et seq., the Federal Meat Inspection Act, 21 U.S.C. 601 et seq, and the Egg Products Inspection Act, 21 U.S.C. 1031 et seq., for the cost of inspection services provided outside of an establishment's approved inspection shifts, and for inspection services provided on Federal holidays: Provided, That any sums charged pursuant to this paragraph shall be deemed as overtime pay or holiday pay under section 1001(d) of the American Rescue Plan Act of 2021 (Public Law 117–2, 135 Stat. 242): Provided further, That sums received by the Secretary under this paragraph shall, in addition to other available funds, remain available until expended to the Secretary without further appropriation for the purpose of funding all costs associated with FSIS inspections.

SEC. 731. (a) The Secretary of Agriculture shall—

(1) conduct audits in a manner that evaluates the following factors in the country or region being audited, as applicable—

(A) veterinary control and oversight;

(B) disease history and vaccination practices;

(C) livestock demographics and traceability;

(D) epidemiological separation from potential sources of infection;

(E) surveillance practices;

(F) diagnostic laboratory capabilities; and

(G) emergency preparedness and response; and

(2) promptly make publicly available the final reports of any audits or reviews conducted pursuant to subsection (1).

(b) This section shall be applied in a manner consistent with United States obligations under its international trade agreements.

SEC. 732. None of the funds made available by this Act may be used to implement section 3.7(f) of the Farm Credit Act of 1971 in a manner inconsistent with section 343(a)(13) of the Consolidated Farm and Rural Development Act.

SEC. 733. In this fiscal year and thereafter, and notwithstanding any other provision of law, none of the funds made available by this Act may be used to carry out any activities or incur any expense related to the issuance of licenses under section 3 of the Animal Welfare Act (7 U.S.C. 2133), or the renewal of such licenses, to class B dealers who sell Random Source dogs and cats for use in research, experiments, teaching, or testing.

SEC. 734. (a)(1) No Federal funds made available for this fiscal year for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926 et seq.) shall be used for a project for the construction, alteration, maintenance, or repair of a public water or wastewater system unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term ''iron and steel products'' means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Secretary of Agriculture (in this section referred to as the ''Secretary'') or the designee of the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Secretary or the designee receives a request for a waiver under this section, the Secretary or the designee shall make available to the public on an informal basis a copy of the request and information available to the Secretary or the designee concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary or the designee shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Department.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Secretary may retain up to 0.25 percent of the funds appropriated in this Act for ''Rural Utilities Service—Rural Water and Waste Disposal Program Account'' for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

(f) Subsection (a) shall not apply with respect to a project for which the engineering plans and specifications include use of iron and steel products otherwise prohibited by such subsection if the plans and specifications have received required approvals from State agencies prior to the date of enactment of this Act.

(g) For purposes of this section, the terms ''United States'' and ''State'' shall include each of the several States, the District of Columbia, and each Federally recognized Indian Tribe.

SEC. 735. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 736. Of the total amounts made available by this Act for direct loans and grants under the following headings: ''Rural Housing Service—Rural Housing Insurance Fund Program Account''; ''Rural Housing Service—Mutual and Self-Help Housing Grants''; ''Rural Housing Service—Rural Housing Assistance Grants''; ''Rural Housing Service—Rural Community Facilities Program Account''; ''Rural Business-Cooperative Service—Rural Business Program Account''; ''Rural Business-Cooperative Service—Rural Economic Development Loans Program Account''; ''Rural Business-Cooperative Service—Rural Cooperative Development Grants''; ''Rural Business-Cooperative Service—Rural Microentrepreneur Assistance Program''; ''Rural Utilities Service—Rural Water and Waste Disposal Program Account''; ''Rural Utilities Service—Rural Electrification and Telecommunications Loans Program Account''; and ''Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program'', to the maximum extent feasible, at least 10 percent of the funds shall be allocated for assistance in persistent poverty counties under this section, including, notwithstanding any other provision regarding population limits, any county seat of such a persistent poverty county that has a population that does not exceed the authorized population limit by more than 10 percent: Provided, That for purposes of this section, the term ''persistent poverty counties'' means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average, or any territory or possession of the United States: Provided further, That with respect to specific activities for which program levels have been made available by this Act that are not supported by budget authority, the requirements of this section shall be applied to such program level.

SEC. 737. None of the funds made available by this Act may be used to notify a sponsor or otherwise acknowledge receipt of a submission for an exemption for investigational use of a drug or biological product under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)) in research in which a human embryo is intentionally created or modified to include a heritable genetic modification. Any such submission shall be deemed to have not been received by the Secretary, and the exemption may not go into effect.

SEC. 738. None of the funds made available by this or any other Act may be used to enforce the final rule promulgated by the Food and Drug Administration entitled ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption,'' and published on November 27, 2015, with respect to the regulation of entities that grow, harvest, pack, or hold wine grapes, hops, pulse crops, or almonds.

SEC. 739. There is hereby appropriated $5,000,000, to remain available until September 30, 2024, for a pilot program for the National Institute of Food and Agriculture to provide grants to nonprofit organizations for programs and services to establish and enhance farming and ranching opportunities for military veterans.

SEC. 740. For school years 2022–2023 and 2023–2024, none of the funds made available by this Act may be used to implement or enforce the matter following the first comma in the second sentence of footnote (c) of section 220.8(c) of title 7, Code of Federal Regulations, with respect to the substitution of vegetables for fruits under the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

SEC. 741. None of the funds made available by this Act or any other Act may be used—

(1) in contravention of section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940), subtitle G of the Agricultural Marketing Act of 1946, or section 10114 of the Agriculture Improvement Act of 2018; or

(2) to prohibit the transportation, processing, sale, or use of hemp, or seeds of such plant, that is grown or cultivated in accordance with section 7606 of the Agricultural Act of 2014 or Subtitle G of the Agricultural Marketing Act of 1946, within or outside the State in which the hemp is grown or cultivated.

SEC. 742. There is hereby appropriated $3,000,000, to remain available until expended, for grants under section 12502 of Public Law 115–334.

SEC. 743. There is hereby appropriated $1,000,000 to carry out section 3307 of Public Law 115–334.

SEC. 744. The Secretary of Agriculture may waive the matching funds requirement under section 412(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(g)).

SEC. 745. There is hereby appropriated $2,000,000, to remain available until expended, for a pilot program for the Secretary to provide grants to qualified non-profit organizations and public housing authorities to provide technical assistance, including financial and legal services, to RHS multi-family housing borrowers to facilitate the acquisition of RHS multi-family housing properties in areas where the Secretary determines a risk of loss of affordable housing, by non-profit housing organizations and public housing authorities as authorized by law that commit to keep such properties in the RHS multi-family housing program for a period of time as determined by the Secretary.

SEC. 746. There is hereby appropriated $3,000,000, to carry out section 4208 of Public Law 115–334, including for project locations in additional regions and timely completion of required reporting to Congress.

SEC. 747. There is hereby appropriated $5,000,000 to carry out section 12301 of Public Law 115–334, Farming Opportunities Training and Outreach.

SEC. 748. In response to an eligible community where the drinking water supplies are inadequate due to a natural disaster, as determined by the Secretary, including drought or severe weather, the Secretary may provide potable water through the Emergency Community Water Assistance Grant Program for an additional period of time not to exceed 120 days beyond the established period provided under the Program in order to protect public health.

SEC. 749. Funds made available under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

SEC. 750. In this fiscal year and thereafter, and notwithstanding any other provision of law, ARS facilities as described in the ''Memorandum of Understanding Between the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) and the U.S. Department of Agriculture Agricultural Research Service (ARS) Concerning Laboratory Animal Welfare'' (16–6100–0103–MU Revision 16–1) shall be inspected by APHIS for compliance with the Animal Welfare Act and its regulations and standards.

SEC. 751. None of the funds made available by this Act may be used to procure raw or processed poultry products imported into the United States from the People's Republic of China for use in the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Child and Adult Care Food Program under section 17 of such Act (42 U.S.C. 1766), the Summer Food Service Program for Children under section 13 of such Act (42 U.S.C. 1761), or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

SEC. 752. For school year 2023–2024, only a school food authority that had a negative balance in the nonprofit school food service account as of June 30, 2022, shall be required to establish a price for paid lunches in accordance with section 12(p) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(p)).

SEC. 753. There is hereby appropriated $2,000,000, to remain available until expended, for the Secretary of Agriculture to carry out a pilot program that assists rural hospitals to improve long-term operations and financial health by providing technical assistance through analysis of current hospital management practices.

SEC. 754. Any funds made available by this or any other Act that the Secretary withholds pursuant to section 1668(g)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(g)(2)), as amended, shall be available for grants for biotechnology risk assessment research: Provided, That the Secretary may transfer such funds among appropriations of the Department of Agriculture for purposes of making such grants.

SEC. 755. Hereafter, none of the funds made available by this Act or any other Act, may be used to pay the salaries or expenses of personnel to implement any activities related to:

(a) the permitting of non-recording of observed violations of the Animal Welfare Act or its regulations on official inspection reports; or

(b) the prioritizing of education or collaborative approaches to violations or noncompliance ahead of enforcement under the Animal Welfare Act.

SEC. 756. There is hereby appropriated $400,000 to carry out section 1672(g)(4)(B) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(g)(4(B)) as amended by section 7209 of Public Law 115–334.

SEC. 757. For necessary expenses associated with cotton classing activities pursuant to 7 U.S.C. 55, to include equipment and facility upgrades, and in addition to any other funds made available for this purpose, there is appropriated $4,000,000, to remain available until September 30, 2024: Provided, That amounts made available in this section shall be treated as funds collected by fees authorized under Mar. 4, 1923, ch. 288, §5, 42 Stat. 1518, as amended (7 U.S.C. 55).

SEC. 758. Notwithstanding any other provision of law, no funds available to the Department of Agriculture may be used to move any staff office or any agency from the mission area in which it was located on August 1, 2018, to any other mission area or office within the Department in the absence of the enactment of specific legislation affirming such move.

SEC. 759. The Secretary, acting through the Chief of the Natural Resources Conservation Service, may use funds appropriated under this Act or any other Act for the Watershed and Flood Prevention Operations Program and the Watershed Rehabilitation Program carried out pursuant to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), and for the Emergency Watershed Protection Program carried out pursuant to section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to provide technical services for such programs pursuant to section 1252(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3851(a)(1)), notwithstanding subsection (c) of such section.

SEC. 760. In administering the pilot program established by section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141), the Secretary of Agriculture may, for purposes of determining entities eligible to receive assistance, consider those communities which are ''Areas Rural in Character'': Provided, That not more than 10 percent of the funds made available under the heading ''Distance Learning, Telemedicine, and Broadband Program'' for the purposes of the pilot program established by section 779 of Public Law 115–141 may be used for this purpose.

SEC. 761. There is hereby appropriated $29,700,000 for the Goodfellow Federal facility, to remain available until expended, which shall be transferred to and merged with the appropriation for ''Food Safety and Inspection Service''.

SEC. 762. Hereafter, none of the funds made available by this Act or any other Act may be used to pay the salaries or expenses of personnel—

(1) to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) to inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) to implement or enforce section 352.19 of title 9, Code of Federal Regulations (or a successor regulation).

SEC. 763. There is appropriated to the Department of Agriculture, for an additional amount for ''Agricultural Programs—Processing, Research, and Marketing—Office of the Secretary'', $5,000,000, which shall remain available until expended, for necessary expenses, under such terms and conditions determined by the Secretary, related to testing soil, water, or agricultural products for per- and polyfluoroalkyl substances (PFAS) at the request of an agricultural producer, assisting agricultural producers affected by PFAS contamination with costs related to mitigate the impacts to their operation that have resulted from such contamination and indemnifying agricultural producers for the value of unmarketable crops, livestock, and other agricultural products related to PFAS contamination: Provided, That the Secretary shall prioritize such assistance to agricultural producers in states and territories that have established a tolerance threshold for PFAS in a food or agricultural product: Provided further, That, not later than 90 days after the end of fiscal year 2023, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory and the status of the amounts obligated and plans for further expenditure, and include improvements that can be made to U.S. Department of Agriculture programs, either administratively or legislatively, to increase support for agricultural producers impacted by PFAS contamination and to enhance scientific knowledge on PFAS uptake in crops and livestock and PFAS mitigation and remediation methods and disseminate such knowledge to agricultural producers.

SEC. 764. Any future compliance date for any provision of the Food and Drug Administration's final rule entitled ''Milk and Cream Products and Yogurt Products; Final Rule To Revoke the Standards for Lowfat Yogurt and Nonfat Yogurt and To Amend the Standard for Yogurt'' (86 Fed. Reg. 31117, June 11, 2021) for which the agency is exercising enforcement discretion or that is stayed as a result of objections timely filed under 21 U.S.C. 371(e)(2), shall be established no earlier than January 1 of the year that is three years after either:

(a) Final action upon such objection(s) is taken by the Secretary of Health and Human Services; or

(b) The party withdraws such objection(s).

SEC. 765. In addition to the amount of reimbursement for administrative and operating expenses available for crop insurance contracts described in subsection (a)(2)(F) of section III of the 2023 Standard Reinsurance Agreement (SRA) that cover agricultural commodities described in section 101 of title I of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note), there is hereby appropriated $50,000,000, to remain available until expended, to pay, with respect to such contracts for the 2021 reinsurance year, an amount that is equal to the difference between the amount to be paid pursuant to the SRA for the applicable reinsurance year and the amount that would be paid if such contracts were not subject to a reduction described in subsection (a)(2)(G) of section III of the SRA but subject to a reimbursement rate equal to 17.5 percent of the net book premium.

SEC. 766. There is appropriated to the Department of Agriculture, for an additional amount for ''Agricultural Programs—Processing, Research, and Marketing—Office of the Secretary'', $10,000,000, which shall remain available until expended, for necessary expenses to address assistance for disasters occurring in calendar year 2022.

SEC. 767. In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture $50,000,000, to remain available until September 30, 2023, to provide relief payments for frontline grocery workers through the Farmworker and Food Worker Relief Grant Program of the Agricultural Marketing Service.

SEC. 768. None of the funds made available by this Act may be used to review or approve an application under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)) that is submitted by a sponsor located in Russia, unless such application is for a drug that is intended to treat a serious or life-threatening condition and for which there is an unmet medical treatment need.

SEC. 769. The Secretary of Agriculture shall take such actions as may be necessary to prohibit the purchase of agricultural land located in the United States by companies owned, in full or in part, by the People's Republic of China, Russia, North Korea, or Iran.

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023''.

DIVISION B—WAYS & MEANS

SEC. 1101. ADDITION OF VACCINES AGAINST COVID–19 TO LIST OF TAXABLE VACCINES.

(a) IN GENERAL.—Section 4132(a)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(Q) Any vaccine against COVID–19.''.

(b) EFFECTIVE DATE.—

(1) SALES, ETC.—The amendment made by this section shall apply to sales and uses on or after the later of—

(A) the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act, or

(B) the date on which the Secretary of Health and Human Services lists any vaccine against COVID–19 for purposes of compensation for any vaccine-related injury or death through the Vaccine Injury Compensation Trust Fund.

(2) DELIVERIES.—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 1102. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act;

(2) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(3) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

DIVISION C

MOTION TO SUSPEND THE RULES AND PASS CERTAIN BILLS AND CONCUR IN SENATE AMENDMENT

Mr. HOYER. Mr. Speaker, pursuant to section 5 of House Resolution 1518, I move to suspend the rules and pass the bills: H.R. 1082; H.R. 5349; H.R. 6218; H.R. 6220; H.R. 6221; H.R. 6611; H.R. 6630; H.R. 6725; H.R. 7832; H.R. 8665; S. 558; and S. 789; and concur in the Senate amendment to H.R. 7077.

The Clerk read the title of the bills and the Senate amendment to H.R. 7077.

The text of the bill and the Senate amendment to H.R. 7077 are as follows:

SAMI'S LAW

H.R. 1082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sami's Law''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PASSENGER.—The term ''passenger'' means an individual who is matched with a TNC driver through a TNC platform.

(2) TNC DRIVER.—The term ''TNC driver'' means an individual who contracts with a transportation network company and provides transportation services facilitated through a TNC platform in exchange for compensation or payment of a fee from a passenger.

(3) TNC PLATFORM.—The term ''TNC platform'' means an online-enabled application or digital network made available by a transportation network company to connect passengers to TNC drivers for the purpose of a TNC driver providing prearranged transportation services.

(4) TNC VEHICLE.—The term ''TNC vehicle'' means a vehicle (also known as a ''ride-hailing vehicle'') that is—

(A) owned, leased, or otherwise authorized for use by a TNC driver; and

(B) used by the TNC driver to provide to passengers prearranged transportation services facilitated through a TNC platform.

(5) TRANSPORTATION NETWORK COMPANY; TNC.—

(A) IN GENERAL.—The terms ''transportation network company'' and ''TNC'' mean a corporation, partnership, sole proprietorship, or other entity that makes available a TNC platform to connect passengers to TNC drivers in exchange for compensation or payment of a fee in order for the TNC driver to transport the passenger using a TNC vehicle.

(B) EXCLUSIONS.—The term ''transportation network company'' and ''TNC'' does not include—

(i) a shared-expense carpool or vanpool arrangement that is not intended to generate profit for the driver; or

(ii) microtransit or other dedicated services provided exclusively on behalf of a government entity, a nonprofit organization, or a third-party commercial enterprise.

SEC. 3. PROHIBITION ON SALE OF RIDE-HAILING SIGNAGE.

(a) PROHIBITION.—Except as provided in subsection (b), it shall be unlawful for any person to sell or offer for sale any signage that—

(1) is designed to help a passenger to identify a TNC vehicle; and

(2) either—

(A) contains a proprietary trademark or logo of a transportation network company; or

(B) purports to be signage of a transportation network company.

(b) APPLICABILITY.—Subsection (a) shall not apply to any person authorized by a transportation network company to sell or offer for sale signage of the transportation network company described in that subsection.

(c) ENFORCEMENT.—

(1) IN GENERAL.—A violation of this section shall be considered to be a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTION BY FTC.—The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) are incorporated in this Act.

(3) TREATMENT.—Any person who violates this section shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(d) SAVINGS CLAUSE.—Nothing in this section limits the authority of the Federal Trade Commission under any other provision of law.

SEC. 4. GAO STUDY ON INCIDENCE OF FATAL AND NON-FATAL PHYSICAL AND SEXUAL ASSAULT OF PASSENGERS, TNC DRIVERS, AND DRIVERS OF OTHER FOR-HIRE VEHICLES.

(a) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Comptroller General of the United States shall submit to Congress a report that includes the results of a study regarding—

(1) the incidence of fatal and non-fatal physical assault and sexual assault perpetrated in the preceding 2 calendar years (starting with calendar years 2019 and 2020 for the first study)—

(A) against TNC drivers and drivers of other for-hire vehicles (including taxicabs) by passengers and riders of for-hire vehicles; and

(B) against passengers and riders by other passengers and TNC drivers or drivers of other for-hire vehicles (including taxicabs), including the incidences that are committed by individuals who are not TNC drivers or drivers of other for-hire vehicles but who pose as TNC drivers or drivers of other for-hire vehicles;

(2) the nature and specifics of any background checks conducted on prospective TNC drivers and drivers of other for-hire vehicles (including taxicabs), including any State and local laws requiring those background checks; and

(3) the safety steps taken by transportation network companies and other for-hire vehicle services (including taxicab companies) related to rider and driver safety.

(b) SEXUAL ASSAULT DEFINED.—In this section, the term ''sexual assault'' means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

SEC. 5. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

J.I. WASHINGTON POST OFFICE BUILDING

H.R. 5349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. J.I. WASHINGTON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1550 State Road S–38–211 in Orangeburg, South Carolina, shall be known and designated as the ''J.I. Washington Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''J.I. Washington Post Office Building''.

W.O.C. KORT MILLER PLANTENBERG POST OFFICE

H.R. 6218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. W.O.C. KORT MILLER PLANTENBERG POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 317 Blattner Drive in Avon, Minnesota, shall be known and designated as the ''W.O.C. Kort Miller Plantenberg Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''W.O.C. Kort Miller Plantenberg Post Office''.

CHARLES P. NORD POST OFFICE

H.R. 6220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARLES P. NORD POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 3rd Avenue Northwest in Perham, Minnesota, shall be known and designated as the ''Charles P. Nord Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Charles P. Nord Post Office''.

JAMES A. ROGERS JR. POST OFFICE

H.R. 6221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES A. ROGERS JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 155 Main Avenue West in Winsted, Minnesota, shall be known and designated as the ''James A. Rogers Jr. Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''James A. Rogers Jr. Post Office''.

AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK

H.R. 6611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) SPONSOR.—The term ''Sponsor'' means the Government of France.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Sponsor may establish a commemorative work on Federal land in the District of Columbia and its environs to honor the extraordinary contributions of Jean Monnet with respect to—

(A) restoring peace between European nations; and

(B) establishing the European Union.

(2) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act''), except that sections 8902(a)(1) and 8908(b) shall not apply with respect to the commemorative work.

(3) PROHIBITION ON THE USE OF FEDERAL FUNDS.—

(A) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment or maintenance of the commemorative work under this section.

(B) ACCEPTANCE OF CONTRIBUTIONS AND PAYMENT OF EXPENSES.—The Sponsor shall be solely responsible for the acceptance of contributions for, and the payment of the expenses of, the establishment and maintenance of the commemorative work under this section.

(4) DEPOSIT OF EXCESS FUNDS.—

(A) IN GENERAL.—If, on payment of all expenses for the establishment of the commemorative work under this section (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Sponsor shall transmit the amount of the balance to the Secretary for deposit in the account provided for in section 8906(b)(3) of that title.

(B) ON EXPIRATION OF AUTHORITY.—If, on expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work under this section, the Sponsor shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary or the Administrator of General Services, as appropriate, in accordance with the process provided in paragraph (4) of section 8906(b) of that title for accounts established under paragraph (2) or (3) of that section.

(c) DETERMINATION OF BUDGETARY EFFECTS.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

PFC JANG HO KIM POST OFFICE BUILDING

H.R. 6630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PFC JANG HO KIM POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2400 N Kraemer Blvd. in Placentia, California, shall be known and designated as the ''PFC Jang Ho Kim Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''PFC Jang Ho Kim Post Office Building''.

MARILYN MONROE POST OFFICE BUILDING

H.R. 6725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGE OF ADDRESS FOR MARILYN MONROE POST OFFICE.

Section 1 of Public Law 116–80 is amended to read as follows:

''SECTION 1. MARILYN MONROE POST OFFICE BUILDING.

''(a) DESIGNATION.—The facility of the United States Postal Service located at 15701 Sherman Way in Van Nuys, California, shall be known and designated as the 'Marilyn Monroe Post Office Building'.

''(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the 'Marilyn Monroe Post Office Building'.''.

ESTEBAN E. TORRES POST OFFICE BUILDING

H.R. 7832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTEBAN E. TORRES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 396 South California Avenue in West Covina, California, shall be known and designated as the ''Esteban E. Torres Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Esteban E. Torres Post Office Building''.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) MODERNIZATION ACT

H.R. 8665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Archives and Records Administration (NARA) Modernization Act''.

SEC. 2. AMENDMENTS.

Title 44, United States Code, is amended—

(1) in section 710, by striking ''his approval'' and inserting ''approval by the President'';

(2) in section 711, by striking ''he shall'' and inserting ''the Director shall'';

(3) in section 2108—

(A) by striking ''transferred to him'' and inserting ''transferred to the Archivist'';

(B) by striking ''appear to him'' and inserting ''appear to the head of the Federal agency'';

(C) by striking ''his custody'' and inserting ''the custody of the head of the Federal agency'';

(D) by striking ''he concurs,'' and inserting ''the Archivist concurs'';

(E) by striking ''his successor in function'', each place it appears, and inserting ''the successor in function of the head of the agency''; and

(F) by striking ''he determines'' and inserting ''the Archivist determines'';

(4) in section 2109—

(A) by striking ''to him'' and inserting ''to the Archivist''; and

(B) by striking ''He may'' and inserting ''The Archivist may'';

(5) in section 2110—

(A) by striking ''he considers'' and inserting ''the Archivist considers''; and

(B) by striking ''his custody'' and inserting ''the custody of the Archivist'';

(6) in section 2112—

(A) by striking ''he may'', each place it appears, and inserting ''the Archivist may'';

(B) by striking ''in him'' and inserting ''in the Archivist'';

(C) by striking ''his custody'' and inserting ''the custody of the Archivist''; and

(D) by striking ''his control'' and inserting ''the control of the Archivist'';

(7) in section 2307, by striking ''his designee'' and inserting ''the designee of the Archivist'';

(8) in section 2903, by striking ''by him'' and inserting ''by the Archivist'';

(9) in section 3308, by striking ''he may'' and inserting ''the Archivist may'';

(10) in section 3310, by striking ''he considers'' and inserting ''the Archivist considers''; and

(11) in section 3311—

(A) by striking ''his legal custody'' and inserting ''the legal custody of the head of the agency of the United States Government'';

(B) by striking ''his opinion'' and inserting ''the opinion of such head of such agency'';

(C) by striking ''he shall'' and inserting ''such official shall''; and

(D) by striking ''he disposed'' and inserting ''such official disposed''.

FLOOD LEVEL OBSERVATION, OPERATIONS, AND DECISION SUPPORT ACT

S. 558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Flood Level Observation, Operations, and Decision Support Act'' or the ''FLOODS Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) STATE.—The term ''State'' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory or possession of the United States.

SEC. 3. NATIONAL INTEGRATED FLOOD INFORMATION SYSTEM.

(a) IN GENERAL.—The Administrator shall establish a system, to be known as the ''National Integrated Flood Information System'', to better inform and provide for more timely decision making to reduce flood-related effects and costs.

(b) SYSTEM FUNCTIONS.—The Administrator, through the National Integrated Flood Information System, shall—

(1) provide an effective flood early warning system that—

(A) collects and integrates information on the key indicators of floods and flood impacts, including streamflow, reservoir release and diversion, precipitation, soil moisture, snow water equivalent, land cover, and evaporative demand;

(B) makes usable, reliable, and timely forecasts of floods;

(C) assesses the severity of flood conditions and effects;

(D) provides information described in subparagraph (A), forecasts described in subparagraph (B), and assessments described in subparagraph (C) at the national, regional, and local levels, as appropriate; and

(E) communicates flood forecasts, flood conditions, and flood impacts to appropriate entities engaged in flood planning, preparedness, and response and post-event flood extent, including—

(i) decision makers at the Federal, State, local, and Tribal levels of government; and

(ii) the public;

(2) provide timely data, information, and products that reflect differences in flood conditions among localities, regions, watersheds, and States;

(3) coordinate and integrate, through interagency agreements as practicable, Federal research and monitoring in support of the flood early warning information system provided under paragraph (1);

(4) use existing forecasting and assessment programs and partnerships;

(5) make improvements in seasonal precipitation and temperature, subseasonal precipitation and temperature, and flood water prediction; and

(6) continue ongoing research and monitoring activities relating to floods, including research activities relating to—

(A) the prediction, length, severity, and impacts of floods and improvement of the accuracy, timing, and specificity of flash flood warnings;

(B) the role of extreme weather events and climate variability in floods; and

(C) how water travels over and through surfaces.

(c) PARTNERSHIPS.—The Administrator, through the National Integrated Flood Information System, may—

(1) engage with the private sector to improve flood monitoring, forecasts, land and topography data, and communication, if the Administrator determines that such engagement is appropriate, cost effective, and beneficial to the public and decision makers described in subsection (b)(1)(E)(i);

(2) facilitate the development of 1 or more academic cooperative partnerships to assist in carrying out the functions of the National Integrated Flood Information System described in subsection (b);

(3) use and support monitoring by citizen scientists, including by developing best practices to facilitate maximum data integration, as the Administrator considers appropriate;

(4) engage with, and leverage the resources of, entities within the National Oceanic and Atmospheric Administration in existence as of the date of the enactment of this Act, such as the National Weather Service with respect to forecast and warning functions, the National Integrated Drought Information System, the Regional Climate Center, and the National Mesonet Program, to improve coordination of water monitoring, forecasting, and management; and

(5) engage with and support water monitoring by the United States Geological Survey—

(A) to improve the availability and continuity of streamflow data at critical locations through the deployment of rapid deployment gages and the flood-hardening of at-risk streamflow gauges; and

(B) to increase storm surge monitoring data through the deployment of additional storm surge sensors.

(d) CONSULTATION.—In developing and maintaining the National Integrated Flood Information System, the Administrator shall consult with relevant Federal, State, local, and Tribal government agencies, research institutions, and the private sector.

(e) COOPERATION FROM OTHER FEDERAL AGENCIES.—Each Federal agency shall cooperate as appropriate with the Administrator in carrying out this section.

SEC. 4. OBSERVATIONS AND MODELING FOR TOTAL WATER PREDICTION.

(a) PARTNERSHIPS.—

(1) IN GENERAL.—The Administrator shall establish partnerships with 1 or more institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) to evaluate observations that would improve total water prediction.

(2) PRIORITY OBSERVATIONS.—In establishing partnerships under paragraph (1), the Administrator shall prioritize partnerships to evaluate observations from uncrewed aerial systems.

(b) MAINTAINED OBSERVATIONS.—If the Administrator determines that incorporating additional observations improves total water prediction, the Administrator shall, to the extent practicable, continue incorporating those observations.

(c) MODELING IMPROVEMENTS.—The Administrator shall advance geographic coverage, resolution, skill, and efficiency of coastal oceanographic modeling, including efforts that improve the coupling of and interoperability between hydrological models and coastal ocean models.

SEC. 5. SERVICE COORDINATION HYDROLOGISTS AT RIVER FORECAST CENTERS OF THE NATIONAL WEATHER SERVICE.

(a) DESIGNATION OF SERVICE COORDINATION HYDROLOGISTS.—

(1) IN GENERAL.—The Director of the National Weather Service (in this section referred to as the ''Director'') shall designate at least 1 service coordination hydrologist at each River Forecast Center of the National Weather Service.

(2) PERFORMANCE BY OTHER EMPLOYEES.—Performance of the responsibilities outlined in this section is not limited to the service coordination hydrologist position.

(b) PRIMARY ROLE OF SERVICE COORDINATION HYDROLOGISTS.—The primary role of the service coordination hydrologist shall be to carry out the responsibilities required by this section.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), consistent with the analysis described in section 409 of the Weather Research and Forecasting Innovation Act of 2017 (Public Law 115–25; 131 Stat. 112), and in order to increase impact-based decision support services, each service coordination hydrologist designated under subsection (a) shall, with respect to hydrology—

(A) be responsible for providing service to the geographic area of responsibility covered by the River Forecast Center at which the service coordination hydrologist is employed to help ensure that users of products and services of the National Weather Service can respond effectively to improve outcomes from flood events;

(B) liaise with users of products and services of the National Weather Service, such as the public, academia, media outlets, users in the hydropower, transportation, recreation, and agricultural communities, and forestry, land, fisheries, and water management interests, to evaluate the adequacy and usefulness of the products and services of the National Weather Service;

(C) collaborate with such River Forecast Centers and Weather Forecast Offices and Federal, State, local, and Tribal government agencies as the Director considers appropriate in developing, proposing, and implementing plans to develop, modify, or tailor products and services of the National Weather Service to improve the usefulness of such products and services;

(D) engage in interagency partnerships with Federal, State, local, and Tribal government agencies to explore the use of forecast-informed reservoir operations to reduce flood risk;

(E) ensure the maintenance and accuracy of flooding call lists, appropriate office flooding policy or procedures, and other flooding information or dissemination methodologies or strategies; and

(F) work closely with Federal, State, local, and Tribal emergency and floodplain management agencies, and other agencies relating to disaster management, to ensure a planned, coordinated, and effective preparedness and response effort.

(2) OTHER STAFF.—The Director may assign a responsibility set forth in paragraph (1) to such other staff as the Director considers appropriate to carry out such responsibility.

(d) ADDITIONAL RESPONSIBILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), a service coordination hydrologist designated under subsection (a) may, with respect to hydrology—

(A) work with a State agency to develop plans for promoting more effective use of products and services of the National Weather Service throughout the State;

(B) identify priority community preparedness objectives;

(C) develop plans to meet the objectives identified under subparagraph (B); and

(D) conduct flooding event preparedness planning and citizen education efforts with and through various State, local, and Tribal government agencies and other disaster management-related organizations.

(2) OTHER STAFF.—The Director may assign a responsibility set forth in paragraph (1) to such other staff as the Director considers appropriate to carry out such responsibility.

SEC. 6. IMPROVING NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMUNICATION OF FUTURE FLOOD RISKS AND HAZARDOUS FLASH FLOOD EVENTS.

(a) ASSESSMENT OF FLASH FLOOD WATCHES AND WARNINGS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall—

(A) conduct an assessment of—

(i) the flash flood watches and warnings of the National Weather Service; and

(ii) the information delivery to support preparation and responses to floods; and

(B) submit to Congress a report on the findings of the Administrator with respect to the assessment required by subparagraph (A).

(2) ELEMENTS.—The assessment required by paragraph (1)(A) shall include the following:

(A) An evaluation of whether the watches, warnings, and information described in paragraph (1)(A) effectively—

(i) communicate risk to the general public;

(ii) inform action to prevent loss of life and property;

(iii) inform action to support flood preparation and response; and

(iv) deliver information in a manner designed to lead to appropriate action.

(B) Subject to subsection (b)(2), such recommendations as the Administrator may have for—

(i) legislative and administrative action to improve the watches and warnings described in paragraph (1)(A)(i); and

(ii) such research as the Administrator considers necessary to address the focus areas described in paragraph (3).

(3) FOCUS AREAS.—The assessment required by paragraph (1)(A) shall focus on the following areas:

(A) Ways to communicate the risks posed by hazardous flash flood events to the public that are most likely to result in informed decision making regarding the mitigation of those risks.

(B) Ways to provide actionable geographic information to the recipient of a watch or warning for a flash flood, including partnering with emergency response agencies, as appropriate.

(C) Evaluation of information delivery to support the preparation for and response to floods.

(4) CONSULTATION.—In conducting the assessment required by paragraph (1)(A), the Administrator shall consult with—

(A) individuals in the academic sector, including individuals in the field of social and behavioral sciences;

(B) other weather services;

(C) media outlets and other entities that distribute the watches and warnings described in paragraph (1)(A)(i);

(D) floodplain managers and emergency planners and responders, including State, local, and Tribal emergency management agencies;

(E) other government users of the watches and warnings described in paragraph (1)(A)(i), including the Federal Highway Administration; and

(F) such other Federal agencies as the Administrator determines rely on watches and warnings regarding flash floods for operational decisions.

(5) NATIONAL ACADEMY OF SCIENCES.—The Administrator shall engage with the National Academy of Sciences, as the Administrator considers necessary and practicable, including by contracting with the National Research Council to review the scientific and technical soundness of the assessment required by paragraph (1)(A), including the recommendations under paragraph (2)(B).

(6) METHODOLOGIES.—In conducting the assessment required by paragraph (1)(A), the Administrator shall use such methodologies as the Administrator considers are generally accepted by the weather enterprise, including social and behavioral sciences.

(b) IMPROVEMENTS TO FLASH FLOOD WATCHES AND WARNINGS.—

(1) IN GENERAL.—Based on the assessment required by subsection (a)(1)(A), the Administrator shall make such improvements to the watches and warnings described in that subsection as the Administrator considers necessary—

(A) to improve the communication of the risks posed by hazardous flash flood events; and

(B) to provide actionable geographic information to the recipient of a watch or warning for a flash flood.

(2) REQUIREMENTS REGARDING RECOMMENDATIONS.—In conducting the assessment required by subsection (a)(1)(A), the Administrator shall ensure that any recommendation under subsection (a)(2)(B) that the Administrator considers a major change—

(A) is validated by social and behavioral science using a generalizable sample;

(B) accounts for the needs of various demographics, vulnerable populations, and geographic regions;

(C) responds to the needs of Federal, State, local, and Tribal government partners and media partners; and

(D) accounts for necessary changes to federally operated watch and warning propagation and dissemination infrastructure and protocols.

(c) DEFINITIONS.—In this section:

(1) WATCH; WARNING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the terms ''watch'' and ''warning'', with respect to a hazardous flash flood event, mean products issued by the National Oceanic and Atmospheric Administration, intended for use by the general public—

(i) to alert the general public to the potential for or presence of the event; and

(ii) to inform action to prevent loss of life and property.

(B) EXCLUSION.—The terms ''watch'' and ''warning'' do not include technical or specialized meteorological and hydrological forecasts, outlooks, or model guidance products.

(2) WEATHER ENTERPRISE.—The term ''weather enterprise'' has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501).

SEC. 7. FRESHWATER MONITORING ALONG THE COAST.

(a) DATA AVAILABILITY ASSESSMENT.—The Administrator shall assess the availability of short- and long-term data on large-scale freshwater flooding into oceans, bays, and estuaries, including data on—

(1) flow rate, including discharge;

(2) conductivity;

(3) oxygen concentration;

(4) nutrient load;

(5) water temperature; and

(6) sediment load.

(b) DATA NEEDS ASSESSMENT.—The Administrator shall assess the need for additional data to assess and predict the effect of the flooding and freshwater discharge described in subsection (a).

(c) INVENTORY OF DATA NEEDS.—Based on the assessments required by subsections (a) and (b), the Administrator shall create an inventory of data needs with respect to the flooding and freshwater discharge described in subsections (a) and (b).

(d) PLANNING.—In planning for the collection of additional data necessary for ecosystem-based modeling of the effect of the flooding and freshwater discharge described in subsections (a) and (b), the Administrator shall use the inventory created under subsection (c).

SEC. 8. TORNADO WARNING IMPROVEMENT.

Section 103 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8513) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) INNOVATIVE OBSERVATIONS.—The Under Secretary shall ensure that the program periodically examines the value of incorporating innovative observations, such as acoustic or infrasonic measurements, observations from phased array radars, and observations from mesonets, with respect to the improvement of tornado forecasts, predictions, and warnings.''.

SEC. 9. HURRICANE FORECAST IMPROVEMENT PROGRAM.

Section 104(b) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8514(b)) is amended—

(1) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) evaluating and incorporating, as appropriate, innovative observations, including acoustic or infrasonic measurements.''.

SEC. 10. WEATHER AND WATER RESEARCH AND DEVELOPMENT PLANNING.

Section 105(2) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8515(2)) is amended by inserting ''and flood-event'' after ''operational weather''.

SEC. 11. FORECAST COMMUNICATION COORDINATORS.

Section 1762(f)(1) of the Food Security Act of 1985 (15 U.S.C. 8521(f)(1)) is amended, in the second sentence, by striking ''may'' and inserting ''shall''.

SEC. 12. ESTIMATES OF PRECIPITATION FREQUENCY IN THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) FREELY ASSOCIATED STATES.—The term ''Freely Associated States'' means the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia, which have each entered into a Compact of Free Association with the United States.

(2) UNITED STATES.—The term ''United States'' means the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States.

(b) IN GENERAL.—The Administrator shall establish a program, to be known as the ''NOAA Precipitation Frequency Atlas of the United States'', to compile, estimate, analyze, and communicate the frequency of precipitation in the United States.

(c) FUNCTIONS.—The NOAA Precipitation Frequency Atlas of the United States—

(1) shall better inform the public and provide information on—

(A) temporal and spatial distribution of heavy precipitation;

(B) analyses of seasonality in precipitation; and

(C) trends in annual maximum series data; and

(2) may serve as the official source of the Federal Government on estimates of precipitation frequency and associated information with respect to the United States.

(d) REQUIREMENTS.—

(1) COVERAGE.—The NOAA Precipitation Frequency Atlas of the United States shall include such estimates of the frequency of precipitation in the United States as the Administrator determines appropriate.

(2) FREQUENCY.—Such estimates—

(A) shall be conducted not less frequently than once every 10 years; and

(B) may be conducted more frequently if determined appropriate by the Administrator.

(3) PUBLICATION.—Such estimates and methodologies used to conduct such estimates shall be—

(A) subject to an appropriate, scientific process, as determined by the Administrator; and

(B) published on a publicly accessible website of the National Oceanic and Atmospheric Administration.

(e) PARTNERSHIPS.—The Administrator may partner with other Federal agencies, members of the private sector, academic cooperative partnerships, or nongovernment associations to assist in carrying out the functions described in subsection (c).

(f) CONSULTATION.—In carrying out this section, the Administrator may consult with relevant Federal, State, local, Tribal, and Territorial government agencies, research institutions, and the private sector, as the Administrator determines necessary.

(g) COORDINATION.—In carrying out this section, the Administrator may coordinate with other Federal agencies.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, from amounts otherwise authorized to be appropriated to the Administrator to carry out this Act, $3,500,000 for each of fiscal years 2022 through 2030.

SEC. 13. INTERAGENCY COMMITTEE ON WATER MANAGEMENT AND INFRASTRUCTURE.

(a) ESTABLISHMENT.—There is established a committee, to be known as the ''Interagency Committee on Water Management and Infrastructure'' (in this section referred to as the ''Water Policy Committee'').

(b) MEMBERSHIP.—The Water Policy Committee shall be composed of the following members:

(1) The Administrator.

(2) The Secretary of the Interior.

(3) The Administrator of the Environmental Protection Agency.

(4) The Secretary of Agriculture.

(5) The Secretary of Commerce.

(6) The Secretary of Energy.

(7) The Secretary of the Army.

(8) The heads of such other agencies as the co-chairs consider appropriate.

(c) CO-CHAIRS.—The Water Policy Committee shall be co-chaired by the Secretary of the Interior and the Administrator of the Environmental Protection Agency.

(d) MEETINGS.—The Water Policy Committee shall meet not less frequently than 6 times each year, at the call of the co-chairs.

(e) GENERAL PURPOSE AND DUTIES.—The Water Policy Committee shall ensure that agencies and departments across the Federal Government that engage in water-related matters, including water storage and supplies, water quality and restoration activities, water infrastructure, transportation on United States rivers and inland waterways, and water forecasting, work together where such agencies and departments have joint or overlapping responsibilities to—

(1) improve interagency coordination among Federal agencies and departments on water resource management and water infrastructure issues;

(2) coordinate existing water-related Federal task forces, working groups, and other formal cross-agency initiatives, as appropriate;

(3) prioritize managing the water resources of the United States and promoting resilience of the water-related infrastructure of the United States, including—

(A) increasing water storage, water supply reliability, and drought resiliency;

(B) improving water quality, source water protection, and nutrient management;

(C) promoting restoration activities;

(D) improving water systems, including with respect to drinking water, desalination, water reuse, wastewater, and flood control; and

(E) improving water data management, research, modeling, and forecasting;

(4) improve interagency coordination of data management, access, modeling, and visualization with respect to water-related matters;

(5) promote integrated planning for Federal investments in water-related infrastructure to enhance coordination and protect taxpayer investment; and

(6) support workforce development and efforts to recruit, train, and retain professionals to operate and maintain essential drinking water, wastewater, flood control, hydropower, water delivery, and water storage facilities in the United States.

(f) CROSS-AGENCY PRIORITY RESEARCH NEEDS.—Not later than 1 year after the date of the enactment of this Act, the Water Policy Committee shall develop and submit to Congress a list of research needs that includes needs for cross-agency research and coordination.

SEC. 14. NATIONAL WEATHER SERVICE HYDROLOGIC RESEARCH FELLOWSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ASSISTANT ADMINISTRATOR.—The term ''Assistant Administrator'' means the Assistant Administrator for Weather Services of the National Oceanic and Atmospheric Administration.

(2) DECISION SUPPORT SERVICES.—The term ''decision support services'' means information, including data and refined products, that supports water resources-related decision-making processes.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) NOAA LINE OFFICES.—The term ''NOAA line offices'' means the following offices of the National Oceanic and Atmospheric Administration:

(A) The National Ocean Service.

(B) The National Environmental Satellite, Data, and Information Service.

(C) The National Marine Fisheries Service.

(D) The Office of Oceanic and Atmospheric Research.

(E) The Office of Marine and Aviation Operations.

(b) HYDROLOGIC RESEARCH FELLOWSHIP PROGRAM.—

(1) ESTABLISHMENT.—The Administrator shall establish a hydrologic research fellowship program (in this section referred to as the ''program'') for qualified individuals.

(2) QUALIFIED INDIVIDUAL.—For purposes of this section, a qualified individual is an individual who is—

(A) a citizen of the United States; and

(B) enrolled in a research-based graduate program, at an institution of higher education, in a field that advances the research priorities developed by the Assistant Administrator under paragraph (7), such as—

(i) hydrology;

(ii) earth sciences;

(iii) atmospheric sciences;

(iv) computer sciences;

(v) engineering;

(vi) environmental sciences;

(vii) geosciences;

(viii) urban planning; or

(ix) related social sciences.

(3) AWARD GUIDELINES.—Fellowships under the program shall be awarded pursuant to guidelines established by the Assistant Administrator.

(4) SELECTION PREFERENCE.—In selecting qualified individuals for participation in the program, the Assistant Administrator shall give preference to applicants from historically Black colleges and universities and minority-serving institutions.

(5) PLACEMENT.—The program shall support the placement of qualified individuals in positions within the executive branch of the Federal Government where such individuals can address and advance the research priorities developed by the Assistant Administrator under paragraph (7).

(6) FELLOWSHIP TERM.—A fellowship under the program shall be for a period of up to 2 years.

(7) FELLOWSHIP RESEARCH PRIORITIES.—The Assistant Administrator, in consultation with representatives from the NOAA line offices, the United States Geological Survey, the Federal Emergency Management Agency, and the Army Corps of Engineers, as appropriate, shall develop and publish priorities for the conduct of research by fellows, which may include the following:

(A) Advance the collaborative development of a flexible community-based water resources modeling system.

(B) Apply artificial intelligence and machine learning capabilities to advance existing hydrologic modeling capabilities.

(C) Support the evolution and integration of hydrologic modeling within an Earth Systems Modeling Framework.

(D) Improve visualizations of hydrologic model outputs.

(E) Advance the state of coupled freshwater and salt water modeling and forecasting capabilities.

(F) Advance understanding and process representation of water quality parameters.

(G) Advance the assimilation of in-situ and remotely sensed observations and data.

(H) Support the integration of social science to advance decision support services.

(I) Develop methods to study groundwater sustainability and estimate the efficiency of recharge management.

(c) DIRECT HIRING.—

(1) AUTHORITY.—During fiscal year 2022 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of that title, to a position with the Federal agency a recipient of a fellowship under the program who—

(A) earned a degree from a program described in subsection (b)(2)(B);

(B) successfully fulfilled the requirements of the fellowship within the executive branch of the Federal Government; and

(C) meets qualification standards established by the Office of Personnel Management.

(2) EXERCISE OF AUTHORITY.—The direct hire authority provided by this subsection shall be exercised with respect to an individual described in paragraph (1) not later than 2 years after the date on which the individual completed the fellowship under the program.

SEC. 15. IDENTIFICATION AND SUPPORT OF CONSISTENT, FEDERAL SET OF FORWARD-LOOKING, LONG-TERM METEOROLOGICAL INFORMATION.

(a) DEFINITIONS.—In this section:

(1) EXTREME WEATHER.—The term ''extreme weather'' includes observed or anticipated severe and unseasonable atmospheric conditions, including drought, heavy precipitation, hurricanes, tornadoes and other windstorms (including derechos), large hail, extreme heat, extreme cold, flooding, sustained temperatures or precipitation that deviate substantially from historical averages, and any other weather event that the Administrator determines qualifies as extreme weather.

(2) LONG-TERM.—The term ''long-term'' shall have such meaning as the Director of the National Institute of Standards and Technology, in consultation with the Administrator, considers appropriate for purposes of this section.

(3) OTHER ENVIRONMENTAL TRENDS.—The term ''other environmental trends'' means wildfires, coastal flooding, inland flooding, land subsidence, rising sea levels, and any other challenges relating to changes in environmental systems over time that the Administrator determines qualify as environmental challenges other than extreme weather.

(b) IDENTIFICATION AND SUPPORT OF CONSISTENT, FEDERAL SET OF FORWARD-LOOKING, LONG-TERM METEOROLOGICAL INFORMATION.—The Administrator shall identify, and support research that enables, a consistent, Federal set of forward-looking, long-term meteorological information that models future extreme weather events, other environmental trends, projections, and up-to-date observations, including mesoscale information as determined appropriate by the Administrator.

SEC. 16. GAP ANALYSIS ON AVAILABILITY OF SNOW-RELATED DATA TO ASSESS AND PREDICT FLOOD AND FLOOD IMPACTS.

(a) IN GENERAL.—The Administrator, in consultation with the Department of Agriculture, the Department of the Interior, and the Army Corps of Engineers, shall conduct an analysis of gaps in the availability of snow-related data to assess and predict floods and flood impacts, including data on the following:

(1) Snow water equivalent.

(2) Snow depth.

(3) Snowpack temperature.

(4) Snow and mixed-phase precipitation.

(5) Snow melt.

(6) Rain-snow line.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on—

(1) the findings of the gap analysis required by subsection (a); and

(2) opportunities for additional collaboration among Federal agencies to collect snow-related data to better assess and predict floods and flood impacts.

SEC. 17. AVAILABILITY TO THE PUBLIC OF FLOOD-RELATED DATA.

(a) IN GENERAL.—The Administrator shall make flood-related data available to the public on the website of the National Oceanic and Atmospheric Administration.

(b) COST.—The Administrator may make the data under subsection (a) freely accessible or available at a cost that does not exceed the cost of preparing the data.

REPEALING EXISTING SUBSTANDARD PROVISIONS ENCOURAGING CONCILIATION WITH TRIBES ACT

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Repealing Existing Substandard Provisions Encouraging Conciliation with Tribes Act’’ or the ‘‘RESPECT Act’’.

SEC. 2. REPEAL OF CERTAIN OBSOLETE LAWS RELATING TO INDIANS.

(1) Section 2080 of the Revised Statutes (25 U.S.C. 72) is repealed.

(2) Section 2100 of the Revised Statutes (25 U.S.C. 127) is repealed.

(3) Section 2 of the Act of March 3, 1875 (18 Stat. 449, chapter 132; 25 U.S.C. 128), is repealed.

(4) The first section of the Act of March 3, 1875 (18 Stat. 424, chapter 132; 25 U.S.C. 129), is amended under the heading ‘‘CHEYENNES AND ARAPAHOES.’’ by striking ‘‘; that the Secretary of the Interior be authorized to withhold, from any tribe of Indians who may hold any captives other than Indians, any moneys due them from the United States until said captives shall be surrendered to the lawful authorities of the United States’’.

(5) Section 2087 of the Revised Statutes (25 U.S.C. 130) is repealed.

(6) Section 3 of the Act of March 3, 1875 (18 Stat. 449, chapter 132; 25 U.S.C. 137), is repealed.

(7) Section 2101 of the Revised Statutes (25 U.S.C. 138) is repealed.

(8) Section 7 of the Act of June 23, 1879 (21 Stat. 35, chapter 35; 25 U.S.C. 273), is repealed.

(9) The first section of the Act of March 3, 1893 (27 Stat. 612, chapter 209), is amended—

(A) under the heading ‘‘MISCELLANEOUS SUPPORTS.’’ (27 Stat. 628; 25 U.S.C. 283), by striking the last 2 undesignated paragraphs; and

(B) under the heading ‘‘FOR SUPPORT OF SCHOOLS.’’ (27 Stat. 635; 25 U.S.C. 283), by striking the second undesignated paragraph.

(10) Section 18 of the Act of June 30, 1913 (38 Stat. 96, chapter 4; 25 U.S.C. 285), is amended by striking the tenth undesignated paragraph.

(11) The Act of June 21, 1906 (34 Stat. 325, chapter 3504), is amended under the heading ‘‘COMMISSIONER.’’ under the heading ‘‘I. GENERAL PROVISIONS.’’ (34 Stat. 328; 25 U.S.C. 302) by striking the fourth undesignated paragraph.

EMPOWERING THE U.S. FIRE ADMINISTRATION ACT

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Empowering the U.S. Fire Administration Act’’.

SEC. 2. FIRE SAFETY INVESTIGATIONS.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

‘‘SEC. 38. INVESTIGATION AUTHORITIES.

‘‘(a) IN GENERAL.—In the case of a major fire, the Administrator may send incident investigators, which may include safety specialists, fire protection engineers, codes and standards experts, researchers, and fire training specialists, to the site of the fire to conduct a fire safety investigation as described in subsection (b).

‘‘(b) INVESTIGATION REQUIRED.—A fire safety investigation conducted under this section—

‘‘(1) shall be conducted in coordination and cooperation with appropriate Federal, State, local, Tribal, and territorial authorities, including Federal agencies that are authorized to investigate any fire; and

‘‘(2) shall examine the previously determined cause and origin of the fire and assess broader systematic matters to include use of codes and standards, demographics, structural characteristics, smoke and fire dynamics (movement) during the event, and costs of associated injuries and deaths.

‘‘(c) REPORT.—

‘‘(1) IN GENERAL.—Subject to paragraph (2), upon concluding any fire safety investigation under this section, the Administrator shall—

‘‘(A) issue a public report to the appropriate Federal, State, local, Tribal, and territorial authorities on the findings of such investigation; or

‘‘(B) collaborate with another investigating Federal, State, local, Tribal, or territorial agency on the report of that agency.

‘‘(2) EXCEPTION.—If the Administrator, in consultation with appropriate Federal, State, local, Tribal, and territorial authorities determines that issuing a report under paragraph (1) would have a negative impact on a potential or ongoing criminal investigation, the Administrator is not required to issue such report.

‘‘(3) CONTENTS.—Each public report issued under paragraph (1) shall include recommendations on—

‘‘(A) any other buildings with similar characteristics that may bear similar fire risks;

‘‘(B) improving tactical response to similar fires;

‘‘(C) improving civilian safety practices;

‘‘(D) assessing the costs and benefits to the community of adding fire safety features; and

‘‘(E) how to mitigate the causes of the fire.

‘‘(d) DISCRETIONARY AUTHORITY.—In addition to a fire safety investigation conducted pursuant to subsection (a), provided doing so would not have a negative impact on a potential or ongoing criminal investigation, the Administrator may send fire investigators to conduct a fire safety investigation at the site of any fire with unusual or remarkable context that results in losses less severe than those occurring as a result of a major fire, in coordination and cooperation with the appropriate Federal, State, local, Tribal, and territorial authorities, including Federal agencies that are authorized to investigate the fire.

‘‘(e) CONSTRUCTION.—Nothing in this section shall be construed to—

‘‘(1) affect or otherwise diminish the authorities or the mandates vested in other Federal agencies;

‘‘(2) grant the Administrator authority to investigate a major fire for the purpose of an enforcement action or criminal prosecution; or

‘‘(3) require the Administrator to send investigators or issue a report for a major fire when the Administrator, in coordination and cooperation with the appropriate Federal, State, local, Tribal, and territorial authorities, determine that it may compromise a potential or ongoing criminal investigation.

‘‘(f) MAJOR FIRE DEFINED.—For purposes of this section, the term ‘major fire’ shall have the meaning given such term under regulations to be issued by the Administrator.’’.

The SPEAKER pro tempore. Pursuant to section 5 of House Resolution 1518, the ordering of the yeas and nays on postponed motions to suspend the rules with respect to such measures is vacated to the end that all such motions are considered as withdrawn.

The question is on the motion offered by the gentleman from Maryland (Mr. HOYER) that the House suspend the rules and pass the bills and concur in the Senate amendment.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROSENDALE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 349, nays 80, not voting 1, as follows:

[Roll No. 522]

YEAS—349

Adams
Aguilar
Allred
Amodei
Arrington
Auchincloss
Axne
Bacon
Baird
Balderson
Barr
Barragán
Beatty
Bentz
Bera
Beyer
Bice (OK)
Bilirakis
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bost
Bourdeaux
Bowman
Boyle, Brendan F.
Brady
Brown (MD)
Brown (OH)
Brownley
Buchanan
Bucshon
Bush
Bustos
Butterfield
Calvert
Carbajal
Cárdenas
Carey
Carl
Carson
Carter (GA)
Carter (LA)
Carter (TX)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Chabot
Cheney
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Cole
Comer
Connolly
Conway
Cooper
Correa
Costa
Courtney
Craig
Crawford
Crenshaw
Crow
Cuellar
Curtis
Davids (KS)
Davis, Danny K.
Davis, Rodney
Dean
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
DesJarlais
Diaz-Balart
Dingell
Doggett
Doyle, Michael F.
Duncan
Dunn
Ellzey
Emmer
Escobar
Eshoo
Espaillat
Evans
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fitzpatrick
Fletcher
Flood
Flores
Foster
Foxx
Frankel, Lois
Franklin, C. Scott
Gallagher
Gallego
Garamendi
Garbarino
Garcia (CA)
García (IL)
Garcia (TX)
Gibbs
Gimenez
Golden
Gomez
Gonzales, Tony
Gonzalez (OH)
Gonzalez, Vicente
Gottheimer
Granger
Graves (LA)
Graves (MO)
Green, Al (TX)
Grijalva
Guest
Guthrie
Harder (CA)
Hartzler
Hayes
Herrell
Herrera Beutler
Higgins (NY)
Hill
Himes
Hollingsworth
Horsford
Houlahan
Hoyer
Hudson
Huffman
Huizenga
Issa
Jackson Lee
Jacobs (CA)
Jacobs (NY)
Jayapal
Jeffries
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Johnson (TX)
Jones
Joyce (OH)
Kahele
Kaptur
Katko
Keating
Keller
Kelly (IL)
Kelly (MS)

Kelly (PA)
Khanna
Kildee
Kilmer
Kim (CA)
Kim (NJ)
Kind
Kinzinger
Kirkpatrick
Krishnamoorthi
Kuster
LaHood
LaMalfa
Lamb
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latta
LaTurner
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Letlow
Levin (CA)
Levin (MI)
Lieu
Lofgren
Long
Lowenthal
Lucas
Luetkemeyer
Luria
Lynch
Mace
Malinowski
Malliotakis
Maloney, Carolyn B.
Maloney, Sean
Manning
Mast
Matsui
McBath
McCarthy
McCaul
McClintock
McCollum
McGovern
McHenry
McKinley
McNerney
Meeks
Meijer
Meng
Meuser
Mfume
Miller-Meeks
Moolenaar
Moore (UT)
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newhouse
Newman
Norcross
O'Halleran
Obernolte
Ocasio-Cortez
Omar
Owens
Palazzo
Pallone
Panetta
Pappas
Pascrell
Payne
Peltola
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Reschenthaler
Rice (NY)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Ross
Rouzer
Roybal-Allard
Ruiz
Ruppersberger
Rush
Rutherford
Ryan (NY)
Ryan (OH)
Salazar
Sánchez
Sarbanes
Scalise
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sessions
Sewell
Sherman
Sherrill
Simpson
Sires
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Soto
Spanberger
Speier
Stansbury
Stanton
Stauber
Steel
Stefanik
Steil
Stevens
Stewart
Strickland
Suozzi
Swalwell
Takano
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Turner
Underwood
Upton
Valadao
Vargas
Veasey
Velázquez
Wagner
Walberg
Waltz
Wasserman Schultz
Waters
Watson Coleman
Weber (TX)
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Wittman
Womack
Yakym
Yarmuth
Zeldin

NAYS—80

Aderholt
Allen
Armstrong
Babin
Banks
Bergman
Biggs
Bishop (NC)
Boebert
Brooks
Buck
Budd
Burchett
Burgess
Cammack
Cawthorn
Cline
Cloud
Clyde
Davidson
Donalds
Estes
Fallon
Fleischmann
Fulcher
Gaetz
Gohmert
Good (VA)
Gooden (TX)
Gosar
Green (TN)
Greene (GA)
Griffith
Grothman
Harris
Harshbarger
Hern
Hice (GA)
Higgins (LA)
Jackson
Jordan
Joyce (PA)
Kustoff
Lesko
Loudermilk
Mann
Massie
McClain
Miller (IL)
Miller (WV)
Mooney
Moore (AL)
Mullin
Murphy (NC)
Nehls
Norman
Palmer
Pence
Perry
Pfluger
Posey
Rice (SC)
Rose
Rosendale
Roy
Schweikert
Scott, Austin
Sempolinski
Spartz
Steube
Taylor
Tiffany
Timmons
Van Drew
Van Duyne
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)

NOT VOTING—1

Hinson

□ 1425

Mr. ADERHOLT changed his vote from ''yea'' to ''nay.''

Ms. HERRERA BEUTLER, Mrs. BICE of Oklahoma, and Mr. TAKANO changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended, the bills were passed and the Senate amendment was agreed to.

The result of the vote was announced as above recorded.

The title of H.R. 1082 was amended so as to read: ''A bill to prohibit the unauthorized sale of ride-hailing signage and study the incidence of fatal and non-fatal assaults in TNC and for-hire vehicles in order to enhance safety and save lives.''.

The title of H.R. 6611 was amended so as to read: ''A bill to authorize the Government of France to establish a commemorative work in the District of Columbia and its environs to honor the extraordinary contributions of Jean Monnet to restoring peace between European nations and establishing the European Union, and for other purposes.''.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Axne (Pappas)
Beatty (Neguse)
Boebert (Gaetz)
Brooks (Moore (AL))
Brown (MD) (Evans)
Carter (LA) (Horsford)
Cawthorn (Gaetz)
Cherfilus-McCormick (Brown (OH))
Cicilline (Jayapal)
Clyburn (Butterfield)
DeFazio (Pallone)
Dingell (Pappas)
Doyle, Michael F. (Evans)
Dunn (Salazar)
Escobar (Garcia (TX))
Espaillat (Correa)
Gosar (Weber (TX))
Green (TN) (Fleischmann)
Jacobs (NY) (Sempolinski)
Johnson (TX) (Pallone)
Kelly (IL) (Horsford)
Kim (NJ) (Pallone)
Kirkpatrick (Pallone)
Krishnamoorthi (Pappas)
Larson (CT) (Pappas)
Lawson (FL) (Evans)
Levin (CA) (Huffman)
Meeks (Horsford)
Newman (Correa)
Norcross (Pallone)
Ocasio-Cortez (Tlaib)
O'Halleran (Pappas)
Palazzo (Fleischmann)
Pascrell (Pallone)
Payne (Pallone)
Porter (Beyer)
Pressley (Neguse)
Rice (SC) (Weber (TX))
Rush (Beyer)
Sewell (DelBene)
Simpson (Fulcher)
Sires (Pallone)
Speier (Garcia (TX))
Stevens (Craig)
Strickland (Correa)
Tiffany (Fitzgerald)
Titus (Pallone)
Welch (Pallone)

REMEMBERING LIVES LOST AT SANDY HOOK

(Mrs. HAYES asked and was given permission to address the House for 1 minute.)

Mrs. HAYES. Madam Speaker, I rise today to recognize the 26 beautiful lives that were lost on December 14, 2012.

Today marks 10 years since 20 innocent children and 6 selfless educators were murdered at Sandy Hook Elementary School in Newtown, Connecticut.

Newtown is a small community with a big heart, a community that changed forever 10 years ago. Bonded by a shared grief no one can ever truly comprehend, the lives of my constituents in this community were reshaped forever.

While this community has mourned the loss of their loved ones, they have also honored their memories through service. Every single family who lost a loved one at Sandy Hook has found a way to be of service, with everything from violence prevention programs like Sandy Hook Promise, to Embrace Hope, which is an equine therapy program. There is the Ana Grace Project and Ben's Lighthouse, Charlotte's Litter Therapy Dog Program, the Emilie Parker Art Connection, and everything from butterflies to puppies. There is the Vicki Soto Project, which is a fund to promote a love of teaching.

These are just a few, but every single family affected honored the memory of their loved ones through service. These families have all found ways to turn their grief into action.

While I recognize that we have so much work to do as legislators in this body, my only ask of you today, colleagues, is that we not let the deaths of these children be in vain and that we recommit ourselves to making our schools and our communities safe and find ways to turn solemn moments like this into action.

MOMENT OF SILENCE IN REMEMBRANCE OF THE LIVES LOST IN THE SANDY HOOK SHOOTING

The SPEAKER. The Chair asks all Members in the Chamber, as well as Members and staff throughout the Capitol, to rise for a moment of silence in continuing remembrance of the victims of the shooting at Sandy Hook Elementary School on December 14, 2012.

RECESS

The SPEAKER pro tempore (Ms. KAPTUR). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 2 o'clock and 33 minutes p.m.), the House stood in recess.

□ 1442

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHRADER) at 2 o'clock and 42 minutes p.m.

REQUEST TO CONSIDER H.R. 9525, EXTEND THE FUNDING OF GOVERNMENT THROUGH FEBRUARY 3, 2023

Mr. ROY. Mr. Speaker, I ask unanimous consent to call up H.R. 9525 to extend the funding of government through February 3, 2023.

The SPEAKER pro tempore. Under guidelines consistently issued by successive Speakers, as recorded in section 956 of the House Rules and Manual, the Chair is constrained not to entertain the request unless it has been cleared by the bipartisan floor and committee leaderships.

PROVIDING RESEARCH AND ESTIMATES OF CHANGES IN PRECIPITATION ACT

Ms. DELAURO. Mr. Speaker, pursuant to House Resolution 1518, I call up the bill (H.R. 1437) to amend the Weather Research and Forecasting Innovation Act of 2017 to direct the National Oceanic and Atmospheric Administration to provide comprehensive and regularly updated Federal precipitation information, and for other purposes, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Providing Research and Estimates of Changes In Precipitation Act'' or the ''PRECIP Act''.

SEC. 2. AMENDMENT TO THE WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2017 RELATING TO IMPROVING FEDERAL PRECIPITATION INFORMATION.

(a) IN GENERAL.—The Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501 et seq.) is amended by adding at the end the following:

''TITLE VI—IMPROVING FEDERAL PRECIPITATION INFORMATION

''SEC. 601. STUDY ON PRECIPITATION ESTIMATION.

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of the PRECIP Act, the Administrator, in consultation with other Federal agencies as appropriate, shall seek to enter an agreement with the National Academies—

''(1) to conduct a study on the state of practice and research needs for precipitation estimation, including probable maximum precipitation estimation; and

''(2) to submit, not later than 24 months after the date on which such agreement is finalized, to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on a website, a report on the results of the study under paragraph (1).

''(b) STUDY.—The report under subsection (a) shall include the following:

''(1) An examination of the current state of practice for precipitation estimation at scales appropriate for decisionmaker needs, and rationale for further evolution of this field.

''(2) An evaluation of best practices for precipitation estimation that are based on the best-available science, include considerations of non-stationarity, and can be utilized by the user community.

''(3) A framework for—

''(A) the development of a National Guidance Document for estimating extreme precipitation in future conditions; and

''(B) evaluation of the strengths and challenges of the full spectrum of approaches, including for probable maximum precipitation studies.

''(4) A description of existing research needs in the field of precipitation estimation in order to modernize current methodologies and consider non-stationarity.

''(5) A description of in-situ, airborne, and space-based observation requirements, that could enhance precipitation estimation and development of models, including an examination of the use of geographic information systems and geospatial technology for integration, analysis, and visualization of precipitation data.

''(6) A recommended plan for a Federal research and development program, including specifications for costs, timeframes, and responsible agencies for addressing identified research needs.

''(7) An analysis of the respective roles in precipitation estimation of various Federal agencies, academia, State, tribal, territorial, and local governments, and other public and private stakeholders.

''(8) Recommendations for data management to promote long-term needs such as enabling retrospective analyses and data discoverability, interoperability, and reuse.

''(9) Recommendations for how data and services from the entire enterprise can be best leveraged by the Federal Government.

''(10) A description of non-Federal precipitation data, its accessibility by the Federal Government, and ways for National Oceanic and Atmospheric Administration to improve or expand such datasets.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized $1,500,000 to the National Oceanic and Atmospheric Administration to carry out this study.

''SEC. 602. IMPROVING PROBABLE MAXIMUM PRECIPITATION ESTIMATES.

''(a) IN GENERAL.—Not later than 90 days after the date on which the National Academies makes public the report under section 601, the Administrator, in consideration of the report recommendations, shall consult with relevant partners, including users of the data, on the development of a plan to—

''(1) not later than 6 years after the completion of such report and not less than every 10 years thereafter, update probable maximum precipitation estimates for the United States, such that each update considers non-stationarity;

''(2) coordinate with partners to conduct research in the field of extreme precipitation estimation, in accordance with the research needs identified in such report;

''(3) make publicly available, in a searchable, interoperable format, all probable maximum precipitation studies developed by the National Oceanic and Atmospheric Administration that the Administrator has the legal right to redistribute and deemed to be at an appropriate state of development on an internet website of the National Oceanic and Atmospheric Administration; and

''(4) ensure all probable maximum precipitation estimate data, products, and supporting documentation and metadata developed by the National Oceanic and Atmospheric Administration are preserved, curated, and served by the National Oceanic and Atmospheric Administration, as appropriate.

''(b) NATIONAL GUIDANCE DOCUMENT FOR THE DEVELOPMENT OF PROBABLE MAXIMUM PRECIPITATION ESTIMATES.—The Administrator, in collaboration with Federal agencies, State, territorial, Tribal and local governments, academia, and other partners the Administrator deems appropriate, shall develop a National Guidance Document that—

''(1) provides best practices that can be followed by Federal and State regulatory agencies, private meteorological consultants, and other users that perform probable maximum precipitation studies;

''(2) considers the recommendations provided in the National Academies study under section 601;

''(3) facilitates review of probable maximum precipitation studies by regulatory agencies; and

''(4) provides confidence in regional and site-specific probable maximum precipitation estimates.

''(c) PUBLICATION.—Not later than 2 years after the date on which the National Academies makes public the report under section 601, the Administrator shall make publicly available the National Guidance Document under subsection (b) on an internet website of the National Oceanic and Atmospheric Administration.

''(d) UPDATES.—The Administrator shall update the National Guidance Document not less than once every 10 years after the publication of the National Guidance Document under subsection (c) and publish such updates in accordance with such subsection.

''(e) FUNDING.—Amounts available to carry out this section may only come from within amounts authorized to be appropriated to the Administrator.

''SEC. 603. DEFINITIONS.

'' In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

''(2) NATIONAL ACADEMIES.—The term 'National Academies' means the National Academies of Sciences, Engineering, and Medicine.

''(3) UNITED STATES.—The term 'United States' means, collectively, each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory or possession of the United States.''.

(b) CONFORMING AMENDMENT.—Section 1(b) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501 note) is amended in the table of contents by adding at the end the following:

''TITLE VI—IMPROVING FEDERAL PRECIPITATION INFORMATION

''Sec. 601. Study on precipitation estimation.
''Sec. 602. Improving probable maximum precipitation estimates.
''Sec. 603. Definitions.''.

MOTION TO CONCUR

Ms. DELAURO. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Ms. DeLauro of Connecticut moves that the House concur in the Senate amendment to H.R. 1437 with an amendment consisting of the text of Rules Committee Print 117–72.

The text of the House amendment to the Senate amendment to the text is as follows:

HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 1437

In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Further Continuing Appropriations and Extensions Act, 2023''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short Title.
Sec. 2. Table of Contents.
Sec. 3. References.
Sec. 4. Payment to Widows and Heirs of Deceased Members of Congress.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2023

DIVISION B—OTHER MATTERS

Title I—Extensions
Title II—Budgetary Effects

DIVISION C—HEALTH AND HUMAN SERVICES

Title I—Medicare and Medicaid
Title II—Human Services
Title III—Extension of FDA Authorizations
Title IV—Indian Health

DIVISION D—PRECIP ACT

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS.

There is hereby appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, for payment to Colette Wallace McEachin, beneficiary of Aston Donald McEachin, late a Representative from the Commonwealth of Virginia, $174,000.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2023

SEC. 101. The Continuing Appropriations Act, 2023 (division A of Public Law 117–180) is amended—

(1) by striking the date specified in section 106(3) and inserting ''December 23, 2022'';

(2) by adding after section 157 the following new section:

''SEC. 158. During the period covered by this Act, section 227(a) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1525) shall not apply.''.

This division may be cited as the ''Further Continuing Appropriations Act, 2023''.

DIVISION B—OTHER MATTERS

TITLE I—EXTENSIONS

SEC. 101. EXTENSION OF FCC AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking ''December 16, 2022'' and inserting ''December 23, 2022''.

SEC. 102. EXTENSION OF AUTHORIZATION FOR SPECIAL ASSESSMENT FOR DOMESTIC TRAFFICKING VICTIMS' FUND.

Section 3014(a) of title 18, United States Code, is amended, in the matter preceding paragraph (1), by striking ''December 16, 2022'' and inserting ''December 23, 2022''.

SEC. 103. UNITED STATES PAROLE COMMISSION EXTENSION.

(a) SHORT TITLE.—This section may be cited as the ''United States Parole Commission Further Extension Act of 2022''.

(b) AMENDMENT OF SENTENCING REFORM ACT OF 1984.—For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98–473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to ''35 years'' or ''35-year period'' shall be deemed a reference to ''35 years and 53 days'' or ''35-year and 53-day period'', respectively.

SEC. 104. EXTENSION OF COMMODITY FUTURES TRADING COMMISSION CUSTOMER PROTECTION FUND EXPENSES ACCOUNT.

Section 1(b) of Public Law 117–25 (135 Stat. 297), as amended by section 104 of division C of the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 is amended by striking ''December 16, 2022'' each place it appears and inserting ''December 23, 2022''.

TITLE II—BUDGETARY EFFECTS

SEC. 201. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act;

(2) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(3) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

DIVISION C—HEALTH AND HUMAN SERVICES

TITLE I—MEDICARE AND MEDICAID

SEC. 101. EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking ''December 17, 2022'' and inserting ''December 24, 2022'';

(2) in subparagraph (C)(i)—

(A) in the matter preceding subclause (I), by striking ''December 16, 2022'' and inserting ''December 23, 2022'';

(B) in subclause (III), by striking ''December 16, 2022' '' and inserting ''December 23, 2022''; and

(C) in subclause (IV), by striking ''December 17, 2022'' and inserting ''December 24, 2022''; and

(3) in subparagraph (D)—

(A) in the matter preceding clause (i), by striking ''December 16, 2022' '' and inserting ''December 23, 2022''; and

(B) in clause (ii), by striking ''December 16, 2022' '' and inserting ''December 23, 2022''.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, including the amendments made by, this section by program instruction or otherwise.

SEC. 102. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL PROGRAM.

(a) IN GENERAL.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking ''December 17, 2022'' and inserting ''December 24, 2022''; and

(2) in clause (ii)(II), by striking ''December 17, 2022'' and inserting ''December 24, 2022''.

(b) CONFORMING AMENDMENTS.—

(1) EXTENSION OF TARGET AMOUNTS.—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking ''December 17, 2022'' and inserting ''December 24, 2022''; and

(B) in clause (iv), by striking ''December 16, 2022,'' and inserting ''December 23, 2022''.

(2) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking ''December 16, 2022'' and inserting ''December 23, 2022''.

SEC. 103. EXTENSION OF INCREASED FMAPS UNDER MEDICAID FOR THE TERRITORIES.

Section 1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff)) is amended—

(1) in paragraph (2), by striking ''December 16, 2022'' and inserting ''December 23, 2022''; and

(2) in paragraph (3), by striking ''December 16, 2022'' and inserting ''December 23, 2022''.

SEC. 104. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking ''$7,308,000,000'' and inserting ''$7,278,000,000''.

TITLE II—HUMAN SERVICES

SEC. 201. EXTENSION OF MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING PROGRAMS.

Activities authorized by section 511 of the Social Security Act shall continue through December 23, 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated for such purpose an amount equal to the pro rata portion of the amount appropriated for such activities for fiscal year 2022.

SEC. 202. EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS.

Activities authorized by part B of title IV of the Social Security Act shall continue through December 23, 2022, in the manner authorized for fiscal year 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

TITLE III—EXTENSION OF FDA AUTHORIZATIONS

SEC. 301. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIP.

Section 566(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–5(f)) is amended by striking ''$1,265,753 for the period beginning on October 1, 2022 and ending on December 16, 2022'' and inserting ''$1,380,822 for the period beginning on October 1, 2022 and ending on December 23, 2022''.

SEC. 302. REAUTHORIZATION OF THE BEST PHARMACEUTICALS FOR CHILDREN PROGRAM.

Section 409I(d)(1) of the Public Health Service Act (42 U.S.C. 284m(d)(1)) is amended by striking ''$5,273,973 for the period beginning on October 1, 2022 and ending on December 16, 2022'' and inserting ''$5,753,425 for the period beginning on October 1, 2022 and ending on December 23, 2022''.

SEC. 303. REAUTHORIZATION OF THE HUMANITARIAN DEVICE EXEMPTION INCENTIVE.

Section 520(m)(6)(A)(iv) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is amended by striking ''December 17, 2022'' and inserting ''December 24, 2022''.

SEC. 304. REAUTHORIZATION OF THE PEDIATRIC DEVICE CONSORTIA PROGRAM.

Section 305(e) of the Pediatric Medical Device Safety and Improvement Act of 2007 (Public Law 110–85; 42 U.S.C. 282 note) is amended by striking ''$1,107,534 for the period beginning on October 1, 2022, and ending on December 16, 2022'' and inserting ''$1,610,959 for the period beginning on October 1, 2022 and ending on December 23, 2022''.

SEC. 305. REAUTHORIZATION OF PROVISION PERTAINING TO DRUGS CONTAINING SINGLE ENANTIOMERS.

Section 505(u)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(u)(4)) is amended by striking ''December 17, 2022'' and inserting ''December 24, 2022''.

SEC. 306. REAUTHORIZATION OF CERTAIN DEVICE INSPECTIONS.

Section 704(g)(11) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)(11)) is amended by striking ''December 17, 2022'' and inserting ''December 24, 2022''.

SEC. 307. REAUTHORIZATION OF ORPHAN DRUG GRANTS.

Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended by striking ''$6,328,767 for the period beginning on October 1, 2022, and ending on December 16, 2022'' *and inserting ''$6,904,110 for the period beginning on October 1, 2022 and ending on December 23, 2022''.*

SEC. 308. REAUTHORIZATION OF REPORTING REQUIREMENTS RELATED TO PENDING GENERIC DRUG APPLICATIONS AND PRIORITY REVIEW APPLICATIONS.

Section 807 of the FDA Reauthorization Act of 2017 (Public Law 115–52) is amended, in the matter preceding paragraph (1), by striking ''December 16, 2022'' and inserting ''December 23, 2022''.

SEC. 309. REAUTHORIZATION OF THIRD-PARTY REVIEW PROGRAM.

Section 523(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m(c)) is amended by striking ''December 17, 2022'' and inserting ''December 24, 2022''.

TITLE IV—INDIAN HEALTH

SEC. 401. EXTENSION OF MORATORIUM.

Section 424(a) of title IV of division G of Public Law 113–76 is amended by striking ''December 16, 2022'' and inserting ''December 24, 2022''.

DIVISION D—PRECIP ACT

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Providing Research and Estimates of Changes In Precipitation Act'' or the ''PRECIP Act''.

SEC. 2. AMENDMENT TO THE WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2017 RELATING TO IMPROVING FEDERAL PRECIPITATION INFORMATION.

(a) IN GENERAL.—The Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501 et seq.) is amended by adding at the end the following:

''TITLE VI—IMPROVING FEDERAL PRECIPITATION INFORMATION

''SEC. 601. STUDY ON PRECIPITATION ESTIMATION.

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of the PRECIP Act, the Administrator, in consultation with other Federal agencies as appropriate, shall seek to enter an agreement with the National Academies—

''(1) to conduct a study on the state of practice and research needs for precipitation estimation, including probable maximum precipitation estimation; and

''(2) to submit, not later than 24 months after the date on which such agreement is finalized, to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on a website, a report on the results of the study under paragraph (1).

''(b) STUDY.—The report under subsection (a) shall include the following:

''(1) An examination of the current state of practice for precipitation estimation at scales appropriate for decisionmaker needs, and rationale for further evolution of this field.

''(2) An evaluation of best practices for precipitation estimation that are based on the best-available science, include considerations of non-stationarity, and can be utilized by the user community.

''(3) A framework for—

''(A) the development of a National Guidance Document for estimating extreme precipitation in future conditions; and

''(B) evaluation of the strengths and challenges of the full spectrum of approaches, including for probable maximum precipitation studies.

''(4) A description of existing research needs in the field of precipitation estimation in order to modernize current methodologies and consider non-stationarity.

''(5) A description of in-situ, airborne, and space-based observation requirements, that could enhance precipitation estimation and development of models, including an examination of the use of geographic information systems and geospatial technology for integration, analysis, and visualization of precipitation data.

''(6) A recommended plan for a Federal research and development program, including specifications for costs, timeframes, and responsible agencies for addressing identified research needs.

''(7) An analysis of the respective roles in precipitation estimation of various Federal agencies, academia, State, tribal, territorial, and local governments, and other public and private stakeholders.

''(8) Recommendations for data management to promote long-term needs such as enabling retrospective analyses and data discoverability, interoperability, and reuse.

''(9) Recommendations for how data and services from the entire enterprise can be best leveraged by the Federal Government.

''(10) A description of non-Federal precipitation data, its accessibility by the Federal Government, and ways for National Oceanic and Atmospheric Administration to improve or expand such datasets.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized $1,500,000 to the National Oceanic and Atmospheric Administration to carry out this study.

''SEC. 602. IMPROVING PROBABLE MAXIMUM PRECIPITATION ESTIMATES.

''(a) IN GENERAL.—Not later than 90 days after the date on which the National Academies makes public the report under section 601, the Administrator, in consideration of the report recommendations, shall consult with relevant partners, including users of the data, on the development of a plan to—

''(1) not later than 6 years after the completion of such report and not less than every 10 years thereafter, update probable maximum precipitation estimates for the United States, such that each update considers non-stationarity;

''(2) coordinate with partners to conduct research in the field of extreme precipitation estimation, in accordance with the research needs identified in such report;

''(3) make publicly available, in a searchable, interoperable format, all probable maximum precipitation studies developed by the National Oceanic and Atmospheric Administration that the Administrator has the legal right to redistribute and deemed to be at an appropriate state of development on an internet website of the National Oceanic and Atmospheric Administration; and

''(4) ensure all probable maximum precipitation estimate data, products, and supporting documentation and metadata developed by the National Oceanic and Atmospheric Administration are preserved, curated, and served by the National Oceanic and Atmospheric Administration, as appropriate.

''(b) NATIONAL GUIDANCE DOCUMENT FOR THE DEVELOPMENT OF PROBABLE MAXIMUM PRECIPITATION ESTIMATES.—The Administrator, in collaboration with Federal agencies, State, territorial, Tribal and local governments, academia, and other partners the Administrator deems appropriate, shall develop a National Guidance Document that—

''(1) provides best practices that can be followed by Federal and State regulatory agencies, private meteorological consultants, and other users that perform probable maximum precipitation studies;

''(2) considers the recommendations provided in the National Academies study under section 601;

''(3) facilitates review of probable maximum precipitation studies by regulatory agencies; and

''(4) provides confidence in regional and site-specific probable maximum precipitation estimates.

''(c) PUBLICATION.—Not later than 2 years after the date on which the National Academies makes public the report under section 601, the Administrator shall make publicly available the National Guidance Document under subsection (b) on an internet website of the National Oceanic and Atmospheric Administration.

''(d) UPDATES.—The Administrator shall update the National Guidance Document not less than once every 10 years after the publication of the National Guidance Document under subsection (c) and publish such updates in accordance with such subsection.

''SEC. 603. DEFINITIONS.

'' In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

''(2) NATIONAL ACADEMIES.—The term 'National Academies' means the National Academies of Sciences, Engineering, and Medicine.

''(3) UNITED STATES.—The term 'United States' means, collectively, each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory or possession of the United States.''.

(b) CONFORMING AMENDMENT.—Section 1(b) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501 note) is amended in the table of contents by adding at the end the following:

''TITLE VI—IMPROVING FEDERAL PRECIPITATION INFORMATION

''Sec. 601. Study on precipitation estimation.
''Sec. 602. Improving probable maximum precipitation estimates.
''Sec. 603. Definitions.''.

The SPEAKER pro tempore. Pursuant to House Resolution 1518, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees.

The gentlewoman from Connecticut (Ms. DELAURO) and the gentlewoman from Texas (Ms. GRANGER) each will control 30 minutes.

The Chair recognizes the gentlewoman from Connecticut.

□ 1445

GENERAL LEAVE

Ms. DELAURO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Senate amendment to H.R. 1437.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the Further Continuing Appropriations and Extensions Act, which extends funding for critical Federal programs and services through December 23.

While I would have preferred to come before the House today to pass a final 2023 government funding package, I am encouraged that we have come to an agreement on a framework that provides a path forward to enact an omnibus next week.

The legislation before us today is a simple date change that keeps the government up and running as we negotiate the details of final spending bills and complete the work of funding the government programs that meet the needs of hardworking Americans.

All of us in this room know well that final funding bills are the best way to guarantee the necessary resources for the government programs and policies that make the biggest impact on our constituents. We will soon bring to the floor an omnibus that continues to make important investments, because we know the impact of a government that looks out for the middle class, working families, and for small businesses.

The final funding bills we will bring to a vote will include investments that will help hardworking Americans, rebuild our infrastructure, keep our Nation competitive, strengthen our supply chain, and help small businesses access the capital they need, the keys to our economic future.

The final omnibus agreement will help keep our Nation and our communities safe with the certainty that we all deserve. I can say with certainty this package will include community project funding that responds directly to some of the most pressing needs in communities all over America and that so many of my colleagues have worked tirelessly to deliver to their constituents.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Ms. GRANGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this short-term continuing resolution through December 23. I am very disappointed that we are, once again, discussing a CR because full-year appropriations bills have not been signed into law.

I want to explain why we find ourselves in this place. Republican Members opposed the trillions of dollars in nondefense spending that Members on the other side of the aisle pushed through this Congress. That new spending was provided outside the normal process, and it is roughly twice the amount of funding we provide in a year through the annual appropriations bills.

After these unprecedented levels of spending, nondefense programs should not require another large increase in fiscal year 2023. We need to focus on reducing government waste, fighting inflation, and focusing our limited resources on true priorities like border security and our Nation's military.

Democrats have had all year to put bills on the floor that address these concerns and can be signed into law. Time is up. We should be passing a continuing resolution into next year instead of buying more time to rush through a massive spending package.

Mr. Speaker, I urge my colleagues to vote ''no'' on this bill, and I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I reserve the balance of my time.

Ms. GRANGER. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. CLINE), a member of the Committee on Appropriations.

Mr. CLINE. Mr. Speaker, enough is enough. Here in the waning days of one-party control, Democrats are grasping at straws to push more of their radical policy agenda on the American people. They are hoping the lameduck House will help jam through a monstrous $1.7 trillion omnibus down our throats before Christmas so incoming House Republicans can't use the budget next year to impose fiscal responsibility and check Biden's disastrous agenda.

Even though voters demanded change in November, House Republicans have had no seat at the negotiating table. This one-week CR will continue funding for President Biden's policies that have created crisis after crisis.

Under his watch, the Nation is experiencing a historically bad crisis at the southern border, a botched withdrawal from Afghanistan that cost American lives and created tens of thousands of refugees, his quest to provide abortion on demand, his illegal and regressive cancellation of student loan debt, his anti-energy agenda, and an inflation crisis that makes Americans poorer.

The American people cannot afford another Democrat-led spending measure that would exacerbate inflation and continue to fund the very agencies waging war on their freedoms.

Every Republican must reject this lameduck spending spree and let the incoming Members of the new Republican majority, who will be accountable to the voters, work to reach a more balanced agreement than this liberal spending spree.

We must use every opportunity at our disposal, especially through the constitutional power of the purse, to fight for the American people and change the broken status quo in Washington. Republicans must stand strong and oppose this last-ditch power play by Democrats.

Ms. GRANGER. Mr. Speaker, I urge my colleagues to vote ''no,'' and I yield back the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield myself the balance of my time for closing.

Mr. Speaker, I would like for just a moment to set the record straight. There was an offer made to my Republican colleagues on where we should go with an omnibus in June; another was in October. We were told at the time that they couldn't move to do anything until after the elections. We were then told that they had to then wait for their leadership elections to occur before they could actually engage. Then we were told we had to wait until after a Georgia election in order to engage.

Speaking of enough is enough. I would also just say they were invited to the table many, many times to join the negotiations; they decided not to do that. So we find ourselves here today when we have to meet the deadline in order to keep the government open.

What we do need, Mr. Speaker, is this bill to continue negotiating final 2023 funding bills.

Mr. Speaker, I urge all of my colleagues to join me in supporting this bill, and I yield back the balance of my time.

Ms. SHERRILL. Mr. Speaker, I rise in support of H.R. 1437, the "Providing Research and Estimates of Changes in Precipitation," or "PRECIP Act."

I am the proud author of the PRECIP Act, a bipartisan measure to address flooding—the most common and widely experienced natural hazard both in the nation and in my northern New Jersey district. My commitment to this bill is grounded in the painful experiences of my New Jersey constituents devastated by flooding who, sadly, know the life-and-death impact of lacking precise and accurate forecasts ahead of flooding caused by extreme rainfall. Flooding is pernicious throughout this country, not just in coastal areas, and for that reason, the practical tools enabled by this bill benefit all Americans, and the bill has enjoyed bipartisan support.

Flooding can occur from major multi-state events—like Tropical Storm Ida, which swept away a woman in Woodland Park in my district and took the lives of 27 New Jerseyans—or smaller localized rainfall that causes flash flooding, like five inches of sudden rainfall that swept through Parsippany, New Jersey, in just hours last October.

The PRECIP Act improves local forecasting of these events by requiring NOAA to update outdated rainfall data that has hampered the accuracy of forecasting. It also ensures this data is updated more frequently going forward, accounts for future impacts due to climate change, and requires development of best practices to estimate maximum precipitation amounts.

I want to thank my colleagues on both sides of the aisle of the Science Committee, Chairwoman Johnson, and Senators Booker and Wicker for their support of the PRECIP Act. I urge my colleagues on both sides of the aisle to support the passage of this bill.

Mr. JOHNSON of Texas. Mr. Speaker, I rise in support of the bill before us today, which will provide one additional week of continuing appropriations to allow work on the Omnibus appropriations act to be completed. In addition, the bill includes the "Providing Research and Estimates of Changes in Precipitation", or "PRECIP Act."

I am proud to be an original cosponsor of Representative SHERRILL's bipartisan PRECIP Act. Representative SHERRILL has been a tireless advocate for improving our understanding of extreme precipitation. As the Chairwoman of the Subcommittee on Environment of the Science, Space, and Technology Committee, Representative SHERRILL has been a steadfast leader in promoting understanding of how science can help better prepare our communities for extreme precipitation events, and the PRECIP Act is a direct outcome of those efforts. This bill will address gaps in accurate probable maximum precipitation, or PMP, estimates and it directs NOAA to enter into an agreement with the National Academies of Science, Engineering, and Medicine to conduct a study on the best practices for estimating precipitation.

The PRECIP Act will ensure precipitation estimates are updated at least every decade across the U.S. Further, this legislation will direct the NOAA to include forecasted changes in precipitation due to climate change in precipitation studies.

We have been feeling the changes in precipitation across the country, and these changes will only get more extreme with climate change. Having access to the best available information is critical to protect lives, taxpayer dollars, and infrastructure. The PRECIP Act will assist stakeholders such as floodplain managers, emergency managers, local governments, and many more. I urge my colleagues to support this legislation.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1518, the previous question is ordered.

The question is on the motion by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. GRANGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.R. 1437

Ms. DELAURO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 123), providing for a correction in the enrollment of H.R. 1437, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 123

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of H.R. 1437, the Clerk of the House of Representatives shall amend the title so as to read: ''Making further continuing appropriations for the fiscal year ending September 30, 2023, and for other purposes.''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

IRAN HOSTAGES CONGRESSIONAL GOLD MEDAL ACT

Mr. AUCHINCLOSS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2607) to award a Congressional Gold Medal to the former hostages of the Iran Hostage Crisis of 1979 1981, highlighting their resilience throughout the unprecedented ordeal that they lived through and the national unity it produced, marking four decades since their 444 days in captivity, and recognizing their sacrifice to the United States.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iran Hostages Congressional Gold Medal Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) On January 20, 1981, United States diplomats, military personnel, and civilians were released after being held hostage for 444 days by militant student supporters of Iran's Ayatollah Ruhollah Khomeini in a violation of international law. The individuals were taken from the United States Embassy in Tehran, Iran, and the ordeal came to be known as the Iran Hostage Crisis.

(2) The hostages were subjected to intense physical and psychological torture throughout their captivity, such as mock executions, beatings, solitary confinement, and inhospitable living conditions.

(3) Throughout their time held, the hostages were routinely told to denounce the United States and, when they refused, they were tortured, but remained strong in their spirit.

(4) One hostage wrote ''Viva la roja, blanco, y azul'', which translates to ''Long live the red, white, and blue'', on the wall of his cell as a reminder of the values he swore to protect.

(5) The hostages showed extraordinary courage by continually engaging in acts of resistance against their captors, such as by refusing to sign condemnations of the United States, in the face of gross violations of their human rights.

(6) Many of the hostages still experience trauma as a result of the events of the crisis and deserve to have their suffering recognized.

(7) While, as of the date of enactment of this Act, 35 of the hostages are living, it is important that the people of the United States reflect on the resilience and strength of the hostages, which serve as an example to current generations.

(8) The people of the United States should—

(A) acknowledge the hostages as heroes who—

(i) experienced great tribulation; and

(ii) endured, so that the people of the United States may know the blessing of living in the United States; and

(B) strive to demonstrate the values shown by the hostages.

(9) On January 22, 1981, President Jimmy Carter met with the hostages in West Germany and stated the following: ''One of the acts in my life which has been the most moving and gratifying in meeting with and discussing the future and the past with the now liberated Americans who were held hostage in Iran for so long. I pointed out to them that, since their capture by the Iranian terrorists and their being held in this despicable act of savagery, that the American people's hearts have gone out to them and the Nation has been united as perhaps never before in history and that the prayers that have gone up from the people throughout the world to God for their safety have finally been answered.''.

(10) On January 28, 1981, when welcoming the hostages home, President Ronald Reagan stated the following: ''You've come home to a people who for 444 days suffered the pain of your imprisonment, prayed for your safety, and most importantly, shared your determination that the spirit of free men and women is not a fit subject for barter. You've represented under great stress the highest traditions of public service. Your conduct is symbolic of the millions of professional diplomats, military personnel, and others who have rendered service to their country.''.

(11) During the 444 days the brave hostages were held, the rest of the United States held its breath, waiting for news of the hostages. The United States hoped and prayed together, as one, for the hostages' safe return.

(12) Bruce Laingen, who served as United States Ambassador to Iran from 1979 to 1980 and was the highest ranking diplomat held hostage, summed up the experience by saying the following: ''Fifty-three Americans who will always have a love affair with this country and who join with you in a prayer of thanksgiving for the way in which this crisis has strengthened the spirit and resilience and strength that is the mark of a truly free society.''. It is now the responsibility of the people of the United States to honor the spirit, resilience, and strength that the hostages displayed during their 444 days of imprisonment.

(13) Now, more than 4 decades later, the United States continues to honor the hostages. The recipients of the award bestowed by this Act are heroes in every sense of the word. They are role models who wore their pride in the United States with esteem and have allowed for subsequent generations to appreciate the blessing of living in the United States. Today, as we mark 40 years since their release, the people of the United States acknowledge their endurance, strength, and contributions to seeing a more peaceful world. The hostages suffered for the United States and now it is the duty of the United States to recognize them for it.

SEC. 3. DEFINITION.

In this Act, the term ''hostage'' means a person of the United States who was taken captive on November 4, 1979, in Tehran, Iran, at the United States embassy and released on—

(1) July 11, 1980; or

(2) January 20, 1981.

SEC. 4. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design to the 53 hostages of the Iran Hostage Crisis, in recognition of their bravery and endurance throughout their captivity, which started on November 4, 1979, and lasted until January 21, 1981.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary, in consultation with the Secretary of State.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal under subsection (a), the gold medal shall be given to the National Museum of American History of the Smithsonian Institution, where it shall be available for display as appropriate and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution should make the gold medal received under paragraph (1) available for loan, as appropriate, so that the medal may be displayed elsewhere.

SEC. 5. BRONZE DUPLICATE MEDALS.

(a) IN GENERAL.—The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 4, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

(b) PROCEEDS OF SALES.—The amounts received from the sale of duplicate medals under subsection (a) shall be deposited in the United States Mint Public Enterprise Fund.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS.

There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck under this Act.

SEC. 7. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. AUCHINCLOSS) and the gentleman from South Carolina (Mr. NORMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. AUCHINCLOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to include extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. AUCHINCLOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2607, the Iran Hostages Congressional Gold Medal Act, sponsored by Senator PADILLA, which is a companion to a House bill sponsored by Representative SUOZZI.

I thank Representative SUOZZI for sponsoring this bipartisan bill, which would award a Congressional Gold Medal to the 53 hostages of the Iran hostage crisis, which occurred from November 4, 1979, to January 21, 1981, in recognition of their bravery in the face of egregious human rights violations. It has been more than 40 years since their release.

Representative SUOZZI has been a tireless advocate in honoring these U.S. embassy employees who were taken hostage and uplifting their humanity. Last week, Representative SUOZZI said on the floor that he was 17 years old when the hostages were taken and remembers the Iran hostage crisis as a painful time in our history. I am so appreciative of his dedication to this important issue and ensuring that these hostages are properly recognized for the sacrifices they have made that have had lasting effects until today.

I am pleased to be able to vote ''yes'' for this bill before his retirement at the end of this term, and I congratulate him on this important bill to celebrate the resilience and strength of the hostages.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

□ 1500

Mr. NORMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in total support of S. 2607. It is a bill that will award a Congressional Gold Medal to the former hostages of the Iran hostage crisis of 1979–1981.

Mr. Speaker, on November 4, 1979, Iranian students in Iran's capital city, Tehran, stormed the American Embassy, trapping more than 50 American workers within the embassy grounds. This violent act was carried out to declare a break from Iran's past and put an end to the perceived American interference in the region.

The response by the Carter administration at the onset was limited to, one, asset freezes; and two, blockading the shipment of goods to Iran. There was fear that anything more would encourage the students to destroy the embassy and harm the hostages.

I am sure we all remember Walter Cronkite ending his nightly program reporting the number of days the hostages were held captive, a daily reminder of those who were still trapped.

During this time, the hostages were subjected to intense physical and psychological torture, but their spirit never wavered. Those held captive showed extraordinary courage by continually engaging in acts of resistance against their captors, such as by refusing to sign condemnations of the United States despite the gross violations of their human rights.

This infamous incident in American history lasted 444 days, and it is important that we continue to remember the bravery shown by those courageous Americans.

S. 2607 will honor the captured United States diplomats, military personnel, and civilians with the recognition that they deserve.

Mr. Speaker, I wholeheartedly support this bill, and I urge my colleagues to support it as well. I reserve the balance of my time.

Mr. AUCHINCLOSS. Mr. Speaker, I yield myself such time as I may consume. As I am awaiting the arrival of the gentleman from New York (Mr. SUOZZI), who has performed able and faithful service in the House over his career, I would like to reflect on the Iran hostage crisis and its unfortunate foreshadowing of the behavior of the Ayatollah's regime that we are witnessing now on our TV screens today as they persecute brave men and women on the streets of Iran's major cities who are protesting for basic human and civil rights.

I know that I speak on behalf of my constituents in Massachusetts' 4th District when I say that the American people stand with those who are protesting the repression and the discrimination, particularly against women, that have been the hallmark of the Ayatollah's regime and that we feel that the values that they are fighting for are universal values, core human rights, and certainly hope and expect that they will be achieved.

Mr. Speaker, I also want to reflect on the great service of Mr. SUOZZI, who has been an able member of the Ways and Means Committee and a wise counselor to those of us like myself who are new to this business in how to best represent our constituents and advance their priorities and reflect their values.

Mr. Speaker, I now yield 5 minutes to the gentleman from New York (Mr. SUOZZI), the sponsor of this legislation.

Mr. SUOZZI. Mr. Speaker, last week, I had the great honor to be joined in this Chamber by many brave Americans and their family members who were held hostage when student militants stormed the U.S. Embassy in Iran on November 4, 1979.

For 444 days, 52 brave Americans were held hostage and held captive against their will. On behalf of those brave Americans, I rise in support of my bipartisan, bicameral legislation that would award the Congressional Gold Medal to the 52 hostages of the Iran hostage crisis.

As it currently stands, almost 300 Members of this Chamber have pledged their support for this legislation, a showing of true bipartisanship in an oftentimes divided Chamber, and the bill has received overwhelming support in the Senate, as well.

Despite mock firing squads, beatings, solitary confinement, lack of food, and psychological torture, these American hostages maintained their strength and resilience. Back at home, we remember that Americans remained united in their support for these hostages, with many tying yellow ribbons around trees in signs of solidarity.

I was 17 years old in 1979, and I well remember, as many Americans do, that the Iran hostage crisis was a painful time in our history, but that pain cannot stop us from recognizing the true pain and sacrifice by these special Americans.

On behalf of the entire Congress, I give special thanks to the chairman of Commission 52, Brock Pierce, and Ezra Friedlander, the project manager, for helping to gather support for this bill. It is truly a public service.

Mr. Speaker, I urge the swift passage of this bill so we can immediately send it to the President's desk to be signed into law.

Mr. NORMAN. Mr. Speaker, I will say, this is the least we can do for these American heroes, what they sacrificed, the abuse they took. This is such a worthy cause.

Mr. Speaker, I urge all of my colleagues to support this bill, and I yield back the balance of my time.

Mr. AUCHINCLOSS. Mr. Speaker, I yield myself the balance of my time to close.

I appreciate Representative SUOZZI's dedication to this important issue. This bipartisan bill will honor the bravery of the 53 hostages of the Iran hostage crisis, the U.S. Embassy employees, who were held hostage for 444 days.

Mr. Speaker, I again thank Representative SUOZZI for championing this issue and urge my colleagues to support this bill. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. AUCHINCLOSS) that the House suspend the rules and pass the bill, S. 2607.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 4926. An act to amend chapter 33 of title 28, United States Code, to require appropriate use of multidisciplinary teams for investigations of child sexual exploitation or abuse, the production of child sexual abuse material, or child trafficking conducted by the Federal Bureau of Investigation.

S. 5006. An act to designate the month of September as African Diaspora Heritage Month.

S. 5066. An act to designate Mount Young in the State of Alaska, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 198) "An Act to require the Federal Communications Commission to incorporate data on maternal health outcomes into its broadband health maps.".

REPLACEMENT OF BUST OF ROGER BROOKE TANEY WITH BUST OF THURGOOD MARSHALL

Ms. LOFGREN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5229) to direct the Joint Committee of Congress on the Library to remove the bust of Roger Brooke Taney in the Old Supreme Court Chamber of the Capitol and to obtain a bust of Thurgood Marshall for installation in the Capitol or on the Capitol Grounds, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 5229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPLACEMENT OF BUST OF ROGER BROOKE TANEY WITH BUST OF THURGOOD MARSHALL.

(a) FINDINGS.—Congress finds the following:

(1) While sitting in the Capitol, the Supreme Court issued the infamous Dred Scott v. Sandford decision on March 6, 1857. Written by Chief Justice Roger Brooke Taney, whose bust sits inside the entrance to the Old Supreme Court Chamber in the Capitol, this opinion declared that African Americans were not citizens of the United States and could not sue in Federal courts. This decision further declared that Congress did not have the authority to prohibit slavery in the territories.

(2) Chief Justice Roger Brooke Taney's authorship of Dred Scott v. Sandford, the effects of which would only be overturned years later by the ratification of the 13th, 14th, and 15th Amendments to the Constitution of the United States, renders a bust of his likeness unsuitable for the honor of display to the many visitors to the Capitol.

(3) As Frederick Douglass said of this decision in May 1857, "This infamous decision of the Slaveholding wing of the Supreme Court maintains that slaves are within the contemplation of the Constitution of the United States, property; that slaves are property in the same sense that horses, sheep, and swine are property; that the old doctrine that slavery is a creature of local law is false; that the right of the slaveholder to his slave does not depend upon the local law, but is secured wherever the Constitution of the United States extends; that Congress has no right to prohibit slavery anywhere; that slavery may go in safety anywhere under the star-spangled banner; that colored persons of African descent have no rights that white men are bound to respect; that colored men of African descent are not and cannot be citizens of the United States.".

(4) While the removal of Chief Justice Roger Brooke Taney's bust from the Capitol does not relieve the Congress of the historical wrongs it committed to protect the institution of slavery, it expresses Congress's recognition of one of the most notorious wrongs to have ever taken place in one of its rooms, that of Chief Justice Roger Brooke Taney's Dred Scott v. Sandford decision.

(b) REMOVAL OF BUST OF ROGER BROOKE TANEY.—Not later than 45 days after the date of enactment of this Act, the Joint Committee of Congress on the Library (referred to in this Act as the "Joint Committee") shall remove from public display the bust of Roger Brooke Taney in the Old Supreme Court Chamber of the Capitol and the plinth upon which the bust is placed. The bust and plinth shall remain in the custody of the Senate Curator.

(c) BUST OF THURGOOD MARSHALL.—

(1) OBTAINING BUST.—Not later than 2 years after the date of enactment of this Act, the Joint Committee shall enter into an agreement to obtain a bust of Thurgood Marshall, under such terms and conditions as the Joint Committee considers appropriate and consistent with applicable law.

(2) PLACEMENT.—

(A) IN GENERAL.—The Architect of the Capitol, under the direction of the Joint Committee, shall permanently install the bust obtained under paragraph (1) in a prominent location in the Capitol or on the United States Capitol Grounds, as described in section 5102 of title 40, United States Code.

(B) PRIORITY FOR LOCATION.—In determining the location for the permanent installation of the bust obtained under paragraph (1), the Joint Committee shall give priority to identifying an appropriate location near the Old Supreme Court Chamber of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Illinois (Mr. RODNEY DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LOFGREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume. I rise in support of this bill.

This bill, which passed the Senate by unanimous consent last week, directs the Joint Committee on the Library to remove the bust of Chief Justice Roger Taney, which now sits in the Old Supreme Court Chamber and to add a bust of Justice Thurgood Marshall here in the Capitol complex.

S. 5229 is the Senate's version of H.R. 3005, a bill which, for the second Congress in a row, passed the House in an overwhelmingly bipartisan vote.

The United States Capitol is a beacon of democracy, freedom, and equality. It is visited by millions of people each year. What and who we choose to honor in this building should represent our values.

Chief Justice Taney, who in the infamous Dred Scott decision declared that African Americans could never be citizens of the United States and had no constitutional rights, does not meet this standard.

As Senator Charles Sumner said during the 1865 debate on the bill originally authorizing the Taney bust, and I quote Senator Sumner, "I speak what cannot be denied when I declare that the opinion of the Chief Justice in the case of Dred Scott was more thoroughly abominable than anything of the kind in the history of courts. Judicial baseness reached its lowest point on that occasion.'' More than 150 years later, those words still ring true.

Who better to add to the Capitol complex than Justice Thurgood Marshall? Justice Marshall was a pillar of the civil rights movement and a tireless fighter for justice and equality. From his early days as a litigator, fighting to end Jim Crow and school segregation, to his appointment as the first African-American United States Supreme Court Justice, Justice Marshall is among the most important figures of American history.

Although I am disappointed that S. 5229 does not go as far as the House-passed bill did to rid the Capitol of statues and busts of white supremacists and those who served the Confederacy, we should not allow the perfect to be the enemy of the good. Let's take this opportunity to rid our Capitol of the bust of the man who does not deserve the honor and add one of a man who unquestionably does.

Now, some may argue that this action is an attempt to erase and forget our history. Nothing could be further from the truth. We must never forget our Nation's shameful periods of slavery, segregation, and racism, but this is about who we choose to honor, who we choose to literally put on a pedestal and display as emblematic of our values.

I urge all my colleagues to join me in supporting S. 5229, and I reserve the balance of by time.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume. When Americans from across the country come to visit their Capitol, they are greeted by statues of some of the most influential men and women in our Nation's history: American trailblazers like George Washington, Thomas Jefferson, and Abraham Lincoln, who happens to hail from my home State of Illinois. I am proud to serve as the Representative of our 16th President's former home, tomb, and the old State Capitol where President Lincoln delivered his House Divided speech in 1858. In that speech, Lincoln spoke out against slavery, including the Dred Scott decision, and delivered one of his most profound statements.

I will quote the President, ''A house divided against itself cannot stand. I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other.''

While I am proud to hail from the land of Lincoln and see him, among others, who have fought for freedom represented in our Capitol, I also recognize that there are some symbols that were donated nearly 100 years ago that are not representative of our Nation today, a Nation that learns from our past and continues to strive to be a more perfect Union.

For anyone watching today's floor debate, it probably sounds familiar. That is because we voted at least twice in the last 2 years on legislation that would remove the bust of Roger B. Taney from the Old Supreme Court Chamber, and it is a move that I support, but previous legislation has gone nowhere in the Senate because its scope was much larger and aimed to remove several statues beyond that of Mr. Taney.

While I can appreciate that the bill before us today is more narrow in scope and that we are continuing the important discussion about which statues belong in the U.S. Capitol, I am disappointed that this bill didn't go through regular order and didn't go through the regular legislative process and come before the Committee on House Administration that is the committee that has jurisdiction over this issue.

Furthermore, this bill directs the Joint Committee on the Library to carry out the removal of the Taney bust. I point out, though, how antiquated the Joint Committee on the Library has become. It only meets once per Congress to organize, and any actual work of the committee is carried out by the Committee on House Administration and the Senate Rules Committees. Moving forward, I think we need to examine the effectiveness of the joint committee remaining in its current form.

□ 1515

I support removing the bust of Taney and believe statues like his only divide us as a Nation and do not represent the freedoms so many Americans have fought and died for.

It is also important to take a moment to reflect on the fact that for the past 1,005 days, these halls, while getting more people more recently, have been largely closed to the public. And many Americans have not had the opportunity to come visit their Member of Congress nor appreciate all the history, the art, and the statues that are displayed in the Capitol.

That being said, I look forward to the people's House fully opening come January 3 under a new majority.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I will note that I currently chair the Joint Committee on the Library, and I welcome the bill.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), our majority leader.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding, and I thank the ranking member, Mr. DAVIS, for his support of this legislation.

Mr. Speaker, the Capitol Building is the wellspring of American democracy, freedom, and equality. We don't always live that out as perfectly as we would like, but it is that simple.

Every time I walk to the floor, Mr. Speaker, I pass sandstone blocks quarried and hewn centuries ago by enslaved Black Americans. It is a tragic irony that the people's House was built by Americans who were originally excluded from those extraordinary first three words of our Constitution, ''We the People.''

While we cannot remove the stones and bricks that were placed here in bondage, we can ensure that the movable pieces of art we display here celebrate freedom; not slavery, not sedition, not segregation. That is why I sponsored legislation, which the House passed earlier this Congress, that would have removed the statues of those who supported slavery and segregation from the Capitol as well as the bust of Chief Justice Roger Brook Taney from the Old Senate Chamber.

That bill was cosponsored by Mr. CLYBURN, the Democratic whip; by JOYCE BEATTY, the chairwoman of the Congressional Black Caucus; and Karen Bass, who was then the chair of the Congressional Black Caucus and is about to be the mayor of Los Angeles.

That bill regarding whether ''all men are created equal,'' in his disgraceful Dred Scott ruling, Roger Brook Taney argued this: The general words above quoted, that is, all men are created equal, would seem to embrace the whole human family, and if they were used in a similar instrument at this day—which was 1858—would be so understood.

I want you to think about that for a second. He said that when they acted in 1787, they said that all men were created equal. Today, of course, we would say all people are created equal. But Taney observed in 1858 that those words said some 70 years prior to that would lock them into the bigotry and division. And so he interpreted not in terms of what they would believe in 1858 but what they believed in 1787.

He went on to say: But the enslaved African-American race were not intended to be included and formed no part of the people who framed and adopted this Declaration.

His narrow-minded, orginalist philosophy failed to acknowledge America's capacity for moral growth and for progress.

Indeed, the genius of our Constitution is that it did have moral growth. It did have expanded vision. It did have greater wisdom. Taney's ruling denied Black American citizenship, upheld slavery, and contributed, frankly, to the outbreak of the Civil War. That is why I and so many others advocated for his statue's removal from the Maryland State House.

When I was sworn into the Maryland Senate in January of 1967, Roger Brook Taney's statue stood on the east front of the Capitol of Maryland in Annapolis. It has since been removed. Governor Hogan, a Republican, led that effort to remove it.

The Maryland legislature led by Democrats supported that effort. And the irony is if you are on the east Capitol front, prior to his removal, you would have gone from Roger Brook Taney; if you had walked through the Annapolis State House, some 500 feet, come out on the west side, walked down the steps, you would have walked into the Thurgood Marshall Park.

What a historic vision of the growth of America, of the change of America, of the opening up and more equal America.

I advocated for this statue being removed in Maryland and for this bust to be removed from the entrance to the Old Senate Chamber.

I am glad that this is passing in a bipartisan fashion.

I am disappointed the Senate isn't ready to remove all the statues in the original bill. I am glad that we agree that Taney's bust needs to go immediately.

Mr. Speaker, I will continue to work with my colleagues next Congress to remove the other statues.

I look forward to advancing that mission with Democratic Whip JIM CLYBURN, Chairwoman BARBARA LEE, who I did fail to mention—she was the principal sponsor of this bill—and Chairwoman JOYCE BEATTY; all of them, along with former Representative Karen Bass.

They happen to be all Democrats, but there were Republicans, many, many Republicans, supporting this effort because they, too, stand for equality and justice. They played an important part in developing the prior versions of this bill and its reality.

Our legislation, as has been observed, would also commission a new bust for Justice Thurgood Marshall, not to be put outside of the Old Senate Chamber, because the historian rightly observed, he was not a member of the Old Senate Chamber, but it will be placed at some appropriate place in the Capitol as the first African American to sit on the Supreme Court of the United States.

As a towering civil rights leader, a defender of our founding principles, and the first Black Supreme Court Justice, Marshall is a Marylander worthy of a place of honor in these historic halls.

In removing Taney's bust, I am not asking that we would hold Taney to today's moral standards. On the contrary, let us hold him to the standard of his contemporaries: Harriet Tubman, Frederick Douglass, Abraham Lincoln, whom the gentleman mentioned, and all of those of their time who understood that the enslavement of others has always been an immoral act.

Figures like Taney belong in history textbooks and classroom discussions, not in marble and bronze on public displays of honor. Yes, we ought to know who the Roger Brook Taney is, a man who was greatly admired in his time in the State of Maryland, but he was wrong.

Over 3 million people visit our Capitol each year. The people we choose to honor in our Halls signal to those visitors which principles we cherish as a Nation. For Black Americans who have grown up in segregation, faced racial violence, and still confront institutional racism, today, seeing figures like Taney honored here is a searing reminder that the past is present. It need not be, however, our future.

Just last year, the January 6 insurrectionists carried Confederate flags through the Capitol's corridors, desecrated the poster outside my office honoring my friend John Lewis, and screamed racial slurs at police officers as they protected the lives and defended our Capitol.

That was a modern manifestation of the hatred of our past. As our friend Elijah Cummings used to say, ''We are better than this.'' And it need not be our future.

Taney represents that which holds our country back: Exclusion, injustice, complacency, and prejudice.

Thurgood Marshall conveys that which drives America forward: Inclusion, equality, perseverance, and justice.

Every Member of this body, all 435, talk in those terms. Such a change would show visitors that America does not shy away from our past; we rise above it to seize a better future.

It would show them that only in America could a man use the same court that wrongly upheld the enslavement of his own ancestors to expand the Constitution's promise of the blessings of liberty. It would show them that ''We the People'' means all the people.

Vote ''yes'' to celebrate freedom and democracy and justice in this Capitol.

Vote ''yes'' to declare that the hatred of our past need not and must not define our future.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, before my good friend from Maryland leaves the floor, I want to ensure that something is entered into the CONGRESSIONAL RECORD.

That I, RODNEY DAVIS from Illinois, was minus 3 years old when my good friend, Mr. HOYER, was sworn into the Maryland State Senate. To have a friend like STENY HOYER, to be able to go out, like I am here in a few weeks, knowing that you have a bipartisan piece of legislation like this that is going to make Taney a gone-y when it comes to the statues here in the U.S. Capitol, and to know that we are talking and being able to have that bipartisan conversation is what I came here to do.

Steny, I know I am not supposed to address you here, but I am glad to yield to you if you would like to say something.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank my good friend for yielding. I would say that we are going to miss my friend who has been a person willing to work across the aisle on principles that this bill reflects, and I thank him for that. We will miss him.

I will remain here. I will not be majority leader, but I will remain working on behalf of the principles that are the best in our country. They are not Republican principles or Democratic principles; they are American principles. And that, I think, is what we all should, and most of the time, do.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Maryland for his friendship.

I thank him for sparring with me over many issues over the years. We have had a great time with that. There is one thing I know about Leader HOYER and a lot of my colleagues on both sides of the aisle here, they have a great sense of humor. They enjoy the ability to get to know one another on a humorous, friendly level. That allows us, in my opinion, to be able to get to know each other better, to govern together. Today is going to be a great example of that.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), my colleague on the Committee on the Judiciary.

Ms. JACKSON LEE. Mr. Speaker, I thank the chairwoman of the House Administration Committee for her leadership. I also thank our resident historian, Congressman Hoyer of Maryland, for constantly reminding us of the better virtues of our history.

To my dear friend as well, a Congressman who was eloquent on the floor of his age but also his recognition of the importance of this legislation, I thank him for the bipartisan support.

Mr. Speaker, let me acknowledge my friends that have supported this legislation, including JOYCE BEATTY, KAREN BASS, now mayor of Los Angeles, BARBARA LEE, JIM CLYBURN, and my cosponsorship as well, because we knew what was important and what had to be done.

Mr. Speaker, I rise today to support S. 5229, that is a downsizing of the House bill to direct the Joint Committee of Congress on the Library to remove the bust of Roger Brook Taney in the Old Supreme Court Chamber of the Capitol and to obtain a bust of Thurgood Marshall for installation in the Capitol or on the Capitol grounds and to be able to lift America up.

It is important to lift America up to her better angels in the understanding of the richness of our history. Those of us who are African Americans came first in the bottom of the belly of a slave boat. We have never had that acknowledged. But it was acknowledged in the Dred Scott decision when it was affirmed with this effort of Roger Brook Taney to say that we were less than a person, that it was all right to make those who were slaves not a human being; that our children were raised under that, and our grandchildren were raised under that.

I remind people that slaves were so long in slavery that they were born slaves, lived as slaves, and died as slaves, which brings me to the importance of H.R. 40, the Commission to Study Slavery and Develop Reparation Proposals. We must get our hands around this issue of slavery and not be afraid of it.

□ 1530

The very fact that the bust will be removed, again, in the words that were said by my colleague, it will get rid of the horribleness of what happened, the outrage of what happened.

I believe the placing of Justice Thurgood Marshall's bust will be a grand step forward, a mighty step forward.

It is absurd. It is horrible. It is without understanding.

Mr. Speaker, I ask my colleagues to support it.

As well, if I might, I want to raise S. 2607, the Tom Suozzi bill, Iran Hostages Congressional Gold Medal Act, and say that it is long overdue.

I met with the hostages' family members who had lived through this tyranny and had lived through it for many days, 53 hostages, which occurred on November 4, 1979. As I recall, they were held for over a year. There were many attempts to free them.

The SPEAKER pro tempore (Mr. LEVIN of Michigan). The time of the gentlewoman has expired.

Ms. LOFGREN. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Speaker, they remained heroes and patriots, and I believe this is the minimum that we can do to give to those hurting families still, those children that I met, those grandchildren that I met that wondered what happened to their families.

Here we, as a Nation, will recognize that time of their lives when they never gave in to tyranny and never gave up their belief in the values of this Nation.

Again, we remind ourselves that democracy is precious, and it is not free. We must fight for it at every turn. Those who were held hostages as American citizens fought at every turn.

Mr. Speaker, I ask my colleagues to support S. 2607, as well as S. 5229. They both represent the best of what America is, and they both represent telling our story, our history, and honoring it. This is a great democracy, and we must show it every day.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am still waiting a bit. I sent a text to my colleague from North Carolina, who is supposed to come down. I apologize if this extends the votes this evening, but I don't think we will know the difference between 10:30 and 10:35. We will be all right.

This is a day, too, that I remind my colleagues and say thank you for working with the Senate to narrow the scope of this bill to the egregious statue that we talked about today, and that is of Roger Taney.

Roger Taney helped create in our Nation's history one of the most disgusting Supreme Court decisions that we have ever seen.

But in the end, it was the leadership of people like Abraham Lincoln, who represented my great State of Illinois and some of the counties that I currently represent right here in this institution, it was his leadership that he learned here in the House that he was able to then take on his path to become President at the most consequential time in our Nation's history.

The history of Abraham Lincoln and the leadership it took from him and the dedication it took to end the vile practice of slavery in this country, it is leadership and that historical lesson that we need to continue to teach for generations to come.

My colleague from Maryland (Mr. HOYER) talked about teaching about the bad decisions of people like Roger Taney in courts all across this country and institutions all across this country decades and centuries ago. They belong in our textbooks, and they belong in our history lessons.

This is my fear, Mr. Speaker. My fear is that we are forgetting that even the darkest parts of our Nation's history, the darkest parts of the Civil War, the darkest parts of world history, need to be taught, or many in future generations will forget how far we have come.

They will forget how, right now, the leadership and the dedication of so many people like Thurgood Marshall, Abraham Lincoln, and so many others that have served here in our government and throughout this country put us where we are today, where we have the most diverse Congress in our Nation's history.

We are the House that is representative of the people. Diversity is seen everywhere you turn here in this institution and on this floor.

That is, in part, because people stepped up like Abraham Lincoln after the dreadful Dred Scott decision and said enough is enough and corrected bad parts of our history.

But now, in today's day and age, you see people who didn't get the textbooks that taught all the history, didn't get the history lessons that they needed, defacing and destroying statues of Abraham Lincoln. Wow.

We have to be very careful that we don't let political correctness and uneducated decisions be put forth that will then inspire individuals to think that somehow every great leader in our Nation who is remembered with a statue in communities, even outside this Capitol and throughout our great Nation, are part of a problem. We need to do a better job.

That is the reason we need to open this Capitol back up. Part of the best education to understand our Nation's history is allowing Americans to get back into our hallways to be able to see the statues that we debate about here on the floor.

We can't educate the future leaders of America on the history of our government if they can't see, feel, and touch the history that exists right here in our Capitol.

Today, this bill that we are going to pass is a good thing. Tomorrow, and long after I am gone, my fear is that we will continue to have legislation put forward that will, unfortunately, go a lot further than removing the bust of Roger Taney. Let us, as Americans, be very careful.

Mr. Speaker, I see that my colleague has another speaker. I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentlewoman for yielding the time.

And still I rise today, a proud graduate of the Thurgood Marshall School of Law, a son of the segregated South, and a person who believes that this is a great day in the history of this country.

To have this legislation pass means a lot to my generation. To those of us who had to sit in the back of the bus, the balcony of the movie, and go to the back doors of restaurants, it means a lot.

It means a lot for me to simply say this: I associate myself completely, totally, and absolutely with the words of the Honorable STENY HOYER.

I heard his speech. I was moved by what he said, and I came to the floor to let the world know that we have made a large, gigantic, huge step in terms of bending the arc of the moral universe toward liberty and justice for all.

I am grateful, and I thank the gentlewoman again for yielding time.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is inspiring to hear my colleagues from both sides of the aisle throughout any debate talk about their passions, talk about what matters most to their constituents. Mr. GREEN has always been passionate about what matters most to his constituents, as I hope I have been over the last 10 years.

Mr. Speaker, I have to apologize. This might be one of the last times that I stand up and offer remarks on the House floor. A lot of my colleagues here must have been praying together because finally, finally, I have lost my voice. I sound like Peter Brady from ''The Brady Bunch.'' My apologies.

I am so thankful for the friendships that I have been able to make over the 10 years that I have served in this institution. But I want to make sure that I address some issues that we are talking about today in regard to statue removals, in regard to how we ensure that history, even all the darkest parts, are taught to all Americans, because that is the way we learn.

I learned, because I lived it, Abraham Lincoln's history. I take for granted what we have available in my district that epitomizes the strength of Abraham Lincoln.

If you ever want to see our Nation's history in action, I invite you. Come to my district, and I will take you to the Abraham Lincoln Presidential Library and Museum, where many of my colleagues that have come and taken me up on that offer have been able to walk into a room and see an original copy, an original. They didn't have Xerox machines or copy machines back then. They had to handwrite the original copies of the Emancipation Proclamation.

That is what Abraham Lincoln means to our Nation's history and society's history and the ills that even existed after Abraham Lincoln was assassinated.

We have to do better in this country. We can do better, and we are doing better. But in the end, we live in the greatest country in the history of the world that sends the most diverse people to our Nation's Capitol to stand here and debate freely how to govern our great Nation.

We will fight, and we will argue, but in the end, we will shake hands, disagree, walk away, and understand that we are better because we are not separated. We are not just Republicans and Democrats; we are Americans.

When tragedy hits the country, we come together in this House, and we stand together as Americans. I hope that continues even in the more polarizing environment that we have seen in this House in my lifetime.

I want to make a prediction that I hope doesn't come true. I hope that we can change that by setting an example in this House. I hope we don't try to continue to separate ourselves. I predict there will come a day when people will be allowed into a restaurant based upon their political affiliation or not. That is sad. I hope I am wrong.

I see so many opportunities in our Nation right now that are taken by those who don't want us to believe in each other. They are taken away by social media posts that will continue to try and divide us.

I came here 10 years ago and got the ability to have dinner when I was in freshman orientation in Statuary Hall. I looked down and saw the plaque that sits in Statuary Hall that says Abraham Lincoln, his desk sits here, when he served one term in the House of Representatives.

It hit me that day. It sent chills that I have some pretty big shoes to fill, representing some of the same geography that Abraham Lincoln did when he was here centuries ago.

I knew we had a lot of work to do, and I will tell you, this institution has done big things over my decade serving here.

There are things like this, though, that I hope send a message to our Nation that we will stand up against those parts of our Nation's history like Roger Taney, the most dreadful parts of our Nation's history.

Mr. Speaker, I urge everyone, especially my colleagues on the other side of the aisle, to please ensure that history continues to be taught in our Nation's schools, that we learn about people like Roger Taney so that people in America don't repeat the same disastrous decisions that we saw happen with the Dred Scott decision.

Mr. Speaker, I think I have said enough. I support this legislation.

Mr. Speaker, I thank my colleague, Chairperson LOFGREN of the House Administration Committee, for her work on this legislation. I will tell the chair that while we didn't always agree on issues coming in front of our committee, and we didn't always agree on how to run this institution, I always enjoyed being able to serve with her. It may not be reciprocated, but that is okay.

□ 1545

But in the end, you have a great team that I really enjoyed working with. I sincerely hope that this institution becomes less polarized. I certainly hope this institution becomes an institution where we can all govern together and make this country even greater than it is today.

Vote for this bill.

Let's get rid of Roger Taney.

Let's make him a gone-y once again.

Mr. Speaker, I yield back the balance of my time.

Ms. LOFGREN. Mr. Speaker, I would simply ask that all Members support this bill.

There have been a lot of really bad Supreme Court cases over the years, but I don't think it can be said better than Senator Charles Sumner said all the way back in 1865: The Dred Scott decision was more thoroughly abominable than anything of its kind in history.

Chief Justice Taney, the author of this dreadful decision, is really a scar on America and should not be in a place of honor in our Capitol.

Support this bill, and we will remove that stain.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LOFGREN) that the House suspend the rules and pass the bill, S. 5229.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 46 minutes p.m.), the House stood in recess.

□ 1803

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LIEU) at 6 o'clock and 3 minutes p.m.

EQUAL ACCESS TO GREEN CARDS FOR LEGAL EMPLOYMENT ACT OF 2022

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to recommit on the bill (H.R. 3648) to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, offered by the gentleman from North Carolina (Mr. BISHOP), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3648 is postponed.

VAWA TECHNICAL AMENDMENT ACT OF 2022

Mr. NADLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7) to make a technical amendment to the Violence Against Women Act of 1994, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''VAWA Technical Amendment Act of 2022''.

SEC. 2. GRANTS TO COMBAT VIOLENT CRIMES.

(a) AMENDMENT.—Section 2001(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10441(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ''or Native Hawaiian'' after ''Indian'';

(B) in subparagarph (B), by inserting ''or Native Hawaiian'' after ''Indian'';

(C) in subparagraph (C)—

(i) by inserting ''or Native Hawaiian communities'' after ''tribal communities''; and

(ii) by inserting ''or Native Hawaiian'' after ''Indian''; and

(D) in subparagraph (D)—

(i) by inserting ''or Native Hawaiian communities'' after ''Indian tribes''; and

(ii) by inserting ''or Native Hawaiian'' after ''against Indian'';

(2) in paragraph (2)—

(A) in subparagraph (A)(iii), by inserting ''or Native Hawaiian communities'' after ''Indian tribes''; and

(B) in subparagraph (B), by inserting ''or Native Hawaiian communities'' after ''Indian tribes''; and

(3) by adding at the end the following:

''(6) NATIVE HAWAIIAN DEFINED.—In this subsection, the term 'Native Hawaiian' has the meaning given that term in section 801 of the Native American Housing Assistance and

Self-Determination Act of 1996 (25 U.S.C. 4221).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 40002(a)(42) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)(42)) is amended—

(1) in subparagraph (A)—

(A) by inserting '', Native Hawaiian organizations, or the Native Hawaiian community'' after ''Indian service providers'';

(B) by inserting '', organizations, or communities'' after ''member providers''; and

(C) by inserting ''or Native Hawaiian'' after ''designed to assist Indian''; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting '', organizations, or communities'' after ''member service providers''; and

(B) in clause (ii), by inserting ''or Native Hawaiian communities'' after ''tribal communities''.

SEC. 3.

This Act shall become effective one day after enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentlewoman from Indiana (Mrs. SPARTZ) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on S. 7.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 7, which would amend the Violence Against Women Act to ensure that Native Hawaiian women can access the benefits and support included in the critical Violence Against Women Act.

According to the National Institute of Justice, more than 1.5 million American Indian and Alaska Native women have experienced violence in their lifetime, while women in these communities experience significantly higher levels of sexual violence and stalking.

Since its introduction in 1994, the Violence Against Women Act has provided billions of dollars of grant funding to address the needs of those who have survived domestic violence, sexual assault, sex trafficking, dating violence, and other crimes against women.

One of VAWA's major grant programs, the Services, Training, Officers, and Prosecutors grants, commonly known as STOP grants, provides funding for eligible Native organizations to help combat sexual violence and support victims and survivors. However, due to an error in drafting language, which was first made known to Congress and the Department of Justice in 2016, Native Hawaiian organizations have been unable to access this funding to serve Native Hawaiian victims and survivors.

Specifically, Native Hawaiian organizations are able to apply for STOP grant funding, but they cannot use those funds to actually serve the Native Hawaiian community. As a result of this drafting oversight, Native Hawaiian women are denied access to these critical resources, which are meant to encourage the development and improvement of effective victim advocacy and services in cases involving violent crimes against women and to strengthen services to victims.

S. 7 would amend the act to include specific references to Native Hawaiians and Native Hawaiian communities and organizations. This simple fix would make certain that all victims and survivors of domestic and sexual violence, including Native Hawaiian women, are able to access the services and support they need to rebuild their lives.

I thank Senator MAZIE HIRONO for introducing this modest but important legislation.

Mr. Speaker, I urge all of my colleagues to support the bill, and I reserve the balance of my time.

Mrs. SPARTZ. Mr. Speaker, I yield myself such time as I may consume.

S. 7, the VAWA Technical Amendment Act of 2022, makes a very small technical amendment to the Violence Against Women Act reauthorization that was signed into law in March of this year.

The Violence Against Women Act provides resources to law enforcement and others to address the needs of those who have survived domestic violence, sexual assault, sex trafficking, and other crimes against women. S. 7 ensures that Native Hawaiian survivors will also have access to programs and resources provided under the act.

Currently, the Attorney General is directed to make Violence Against Women Act grants to assist Indian Tribes. This bill makes Native Hawaiian communities eligible for the same grants.

Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, for nearly three decades, the Violence Against Women Act has provided critical funding to organizations that support victims and survivors of gender-based violence. However, Native Hawaiian women, who experience disproportionately high levels of sexual violence, have been excluded from accessing these much-needed resources.

S. 7 would allow Native Hawaiian victims and survivors to receive the support they need and would allow Native Hawaiian organizations to increase their efforts to combat sexual violence.

Mr. Speaker, I urge all of my colleagues to support the bill, and I yield back the balance of my time.

Mr. CASE. Mr. Speaker, I rise today in support of S.7, the Violence Against Women Act (VAWA) Technical Amendment Act of 2022. This bill will ensure the full inclusion of Native Hawaiians, the indigenous peoples of our country whose origins lie in Hawaii, in the Services, Training, Officers and Prosecutors (STOP) Grants for Tribal Coalitions program under VAWA.

Violence against indigenous women has reached crisis levels on tribal lands and in Alaska Native villages. In Hawaii, gender-based violence against Native Hawaiians is also at a breaking point.

Much like their American Indian and Alaska Native counterparts elsewhere, Native Hawaiians face substantially higher rates of intimate partner violence, family violence, sexual assault and sex trafficking than any other racial or ethnic group in Hawaii. According to most available data from the Officer of Hawaiian Affairs, 67 to 77 percent of sex trafficking victims in Hawaii are Native Hawaiian women and girls, and 37 percent of reported child sex trafficking cases in Hawaii involve Native Hawaiians. They are also disproportionately represented across the many forms of sexual violence.

To address these issues within Native Hawaiian communities, we must develop and implement community-driven, culturally relevant and intergenerational approaches for supporting Native Hawaiian women. Unfortunately, because of a drafting error in the 2013 VAWA reauthorization bill, Native Hawaiian domestic violence victims have been excluded from VAWA STOP Grants, which deliver just such programs, and thus effectively deprived of vital services and support. While tribal coalitions and Native Hawaiian Organizations are eligible for STOP Grant funding, both tribal coalitions and Native Hawaiian Organizations are limited to only serving American Indians and Alaska Natives, not Native Hawaiians. This must be corrected.

The VAWA Technical Amendment Act simply adds Native Hawaiians as eligible for VAWA-related services from Native nonprofit grantees. Any Native Hawaiian Organization interested and eligible to provide critical domestic violence and sexual assault services to Native Hawaiian survivors must be given the opportunity to do so. This technical correction will allow this to happen, ensuring that Native Hawaiian Organizations can serve Native Hawaiians in need of these critical services.

More work lies ahead for our federal government to address and eliminate the ongoing violence against indigenous women in our country, and I look forward to continuing to work with my colleagues on these efforts to support all Native survivors of domestic and sexual violence.

Mahalo.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of S. 7., the "VAWA Technical Amendment Act of 2022," that would ensure Native Hawaiian victims and survivors of domestic violence, dating violence, sex trafficking, and other such crimes have access to vital VAWA resources.

When the Violence Against Women Act first became law in 1994, it represented an historic shift in the federal government's role in combating violent crimes committed against women. Due to the importance of the legislation and its resulting success, VAWA was reauthorized on an overwhelming bipartisan basis in 2000, 2005, and 2013.

As we negotiated the most recent reauthorization, I was adamant that Congress acknowledge the cries of the multitude of voiceless native women. That we should do more to improve coordination and communication between law enforcement agencies, empower tribal governments with resources, and improve the way we collect data about missing and murdered native women.

And although each piece of VAWA is critical to support and protect victims of violence, I thought it necessary to pay special attention to the plight of tribal women, who suffer extraordinarily high rates of victimization.

That is why we must pass the ''VAWA Technical Amendment Act of 2022''—to make sure that Native Hawaiian victims and survivors are supported and protected.

The VAWA Reauthorization—which made its way to the President's desk this year—made several improvements to the Services, Training, Officers, and Prosecutors (STOP) grant program.

The STOP grant program was established to assist state, territorial, local, and Tribal governments in responding to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking, as well as the appropriate treatment of victims.

The grants have long been used to develop effective strategies to assist victims and survivors through nonprofit, community organizations.

Eligibility for the grants was expanded under the reauthorization for individuals and grantees, and the authorized uses of grants under the expansion now include supportive services for American Indian victims of domestic violence, dating violence, sexual assault, and stalking.

Unfortunately, due to a drafting error, Native Hawaiian organizations have been unable to access STOP grant funds for the benefit of Native Hawaiian women, thereby denying an entire community of victims and survivors restorative, stabilizing care. This is a serious problem with an uncomplicated solution.

S. 7 would amend relevant statutory provisions to make sure Native Hawaiian organizations can render aid to their communities using STOP grant funding.

As has always been true, the Violence Against Women Act Reauthorization is comprehensive and inclusive legislation that responds to the many varied and changing needs of diverse victims and survivors across the country by making meaningful improvements. This bill exemplifies that sentiment.

I applaud Senator MAZIE HIRONO for spearheading this bill to ensure that no victim or survivor is denied access to VAWA's life-saving resources, and I urge my colleagues on both sides of the aisle to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the bill, S. 7.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COUNTERING HUMAN TRAFFICKING ACT OF 2021

Mr. NADLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2991) to establish a Department of Homeland Security Center for Countering Human Trafficking, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Countering Human Trafficking Act of 2021''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the victim-centered approach must become universally understood, adopted, and practiced;

(2) criminal justice efforts must increase the focus on, and adeptness at, investigating and prosecuting forced labor cases;

(3) corporations must eradicate forced labor from their supply chains;

(4) the Department of Homeland Security must lead by example—

(A) by ensuring that its government supply chain of contracts and procurement are not tainted by forced labor; and

(B) by leveraging all of its authorities against the importation of goods produced with forced labor; and

(5) human trafficking training, awareness, identification, and screening efforts—

(A) are a necessary first step for prevention, protection, and enforcement; and

(B) should be evidence-based to be most effective.

SEC. 3. DEPARTMENT OF HOMELAND SECURITY CENTER FOR COUNTERING HUMAN TRAFFICKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall operate, within U.S. Immigration and Customs Enforcement's Homeland Security Investigations, the Center for Countering Human Trafficking (referred to in this Act as ''CCHT'').

(2) PURPOSE.—The purpose of CCHT shall be to serve at the forefront of the Department of Homeland Security's unified global efforts to counter human trafficking through law enforcement operations and victim protection, prevention, and awareness programs.

(3) ADMINISTRATION.—Homeland Security Investigations shall—

(A) maintain a concept of operations that identifies CCHT participants, funding, core functions, and personnel; and

(B) update such concept of operations, as needed, to accommodate its mission and the threats to such mission.

(4) PERSONNEL.—

(A) DIRECTOR.—The Secretary of Homeland Security shall appoint a CCHT Director, who shall—

(i) be a member of the Senior Executive Service; and

(ii) serve as the Department of Homeland Security's representative on human trafficking.

(B) MINIMUM CORE PERSONNEL REQUIREMENTS.—Subject to appropriations, the Secretary of Homeland Security shall ensure that CCHT is staffed with at least 45 employees in order to maintain continuity of effort, subject matter expertise, and necessary support to the Department of Homeland Security, including—

(i) employees who are responsible for the Continued Presence Program and other victim protection duties;

(ii) employees who are responsible for training, including curriculum development, and public awareness and education;

(iii) employees who are responsible for stakeholder engagement, Federal interagency coordination, multilateral partnerships, and policy;

(iv) employees who are responsible for public relations, human resources, evaluation, data analysis and reporting, and information technology;

(v) special agents and criminal analysts necessary to accomplish its mission of combating human trafficking and the importation of goods produced with forced labor; and

(vi) managers.

(b) OPERATIONS UNIT.—The CCHT Director shall operate, within CCHT, an Operations Unit, which shall, at a minimum—

(1) support criminal investigations of human trafficking (including sex trafficking and forced labor)—

(A) by developing, tracking, and coordinating leads; and

(B) by providing subject matter expertise;

(2) augment the enforcement of the prohibition on the importation of goods produced with forced labor through civil and criminal authorities;

(3) coordinate a Department-wide effort to conduct procurement audits and enforcement actions, including suspension and debarment, in order to mitigate the risk of human trafficking throughout Department acquisitions and contracts; and

(4) support all CCHT enforcement efforts with intelligence by conducting lead development, lead validation, case support, strategic analysis, and data analytics.

(c) PROTECTION AND AWARENESS PROGRAMS UNIT.—The CCHT Director shall operate, within CCHT, a Protection and Awareness Programs Unit, which shall—

(1) incorporate a victim-centered approach throughout Department of Homeland Security policies, training, and practices;

(2) operate a comprehensive Continued Presence program;

(3) conduct, review, and assist with Department of Homeland Security human trafficking training, screening, and identification tools and efforts;

(4) operate the Blue Campaign's nationwide public awareness effort and any other awareness efforts needed to encourage victim identification and reporting to law enforcement and to prevent human trafficking; and

(5) coordinate external engagement, including training and events, regarding human trafficking with critical partners, including survivors, nongovernmental organizations, corporations, multilateral entities, law enforcement agencies, and other interested parties.

SEC. 4. SPECIALIZED INITIATIVES.

(a) HUMAN TRAFFICKING INFORMATION MODERNIZATION INITIATIVE.—The CCHT Director, in conjunction with the Science and Technology Directorate Office of Science and Engineering, shall develop a strategy and proposal to modify systems and processes throughout the Department of Homeland Security that are related to CCHT's mission in order to—

(1) decrease the response time to access victim protections;

(2) accelerate lead development;

(3) advance the identification of human trafficking characteristics and trends;

(4) fortify the security and protection of sensitive information;

(5) apply analytics to automate manual processes; and

(6) provide artificial intelligence and machine learning to increase system capabilities and enhance data availability, reliability, comparability, and verifiability.

(b) SUBMISSION OF PLAN.—Upon the completion of the strategy and proposal under subsection (a), the Secretary of Homeland Security shall submit a summary of the strategy and plan for executing the strategy to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Homeland Security of the House of Representatives.

SEC. 5. REPORTS.

(a) INFORMATION SHARING TO FACILITATE REPORTS AND ANALYSIS.—Each subagency of the Department of Homeland Security shall share with CCHT—

(1) any information needed by CCHT to develop the strategy and proposal required under section 4(a); and

(2) any additional data analysis to help CCHT better understand the issues surrounding human trafficking.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the CCHT Director shall submit a report to Congress that identifies any legislation that is needed to facilitate the Department of Homeland Security's mission to end human trafficking.

(c) ANNUAL REPORT ON POTENTIAL HUMAN TRAFFICKING VICTIMS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit a report to Congress that includes—

(1) the numbers of screened and identified potential victims of trafficking (as defined in section 103(17) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(17))) at or near the international border between the United States and Mexico, including a summary of the age ranges of such victims and their countries of origin; and

(2) an update on the Department of Homeland Security's efforts to establish protocols and methods for personnel to report human trafficking, pursuant to the Department of Homeland Security Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation, published in January 2020.

SEC. 6. TRANSFER OF OTHER FUNCTIONS RELATED TO HUMAN TRAFFICKING.

(a) BLUE CAMPAIGN.—The functions and resources of the Blue Campaign located within the Office of Partnership and Engagement on the day before the date of the enactment of this Act are hereby transferred to CCHT.

(b) OTHER TRANSFER.—

(1) AUTHORIZATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security may transfer the functions and resources of any component, directorate, or other office of the Department of Homeland Security related to combating human trafficking to the CCHT.

(2) NOTIFICATION.—Not later than 30 days before executing any transfer authorized under paragraph (1), the Secretary of Homeland Security shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of such planned transfer.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated to the Secretary of Homeland Security to carry out this Act $14,000,000, which shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentlewoman from Indiana (Mrs. SPARTZ) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on S. 2991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2991, which would codify the Center for Countering Human Trafficking within the Immigration and Customs Enforcement agency of the Department of Homeland Security; require the center to develop a strategy to improve the effectiveness of its programs; and transfer the Department's national trafficking awareness Blue Campaign to the center.

Human trafficking is a multibillion-dollar criminal industry that exists in cities, suburbs, and rural towns and denies freedom to nearly 25 million people around the world.

Although some populations are more vulnerable than others, trafficking is a constant threat to the health and safety of victims of all ages, genders, nationalities, and backgrounds, while posing a grave danger to public health and safety, as well as national and global security.

In 2020, the National Human Trafficking Hotline identified more than 16,000 victims of human trafficking, who likely represent only a fraction of the total number of victims.

In that same year, the Department of Homeland Security launched the Center for Countering Human Trafficking, or the CCHT, a centralized location for subject matter experts to coordinate and expand efforts to combat human trafficking. The CCHT integrates the efforts of 16 DHS offices and agencies that combat human sex trafficking and forced labor, which encompasses criminal investigations, victim assistance, identifying and reporting human trafficking, and external outreach, intelligence, and training.

Since its establishment, the CCHT has made great strides, providing critical support and analysis to criminal investigators in the field; delivering comprehensive training to domestic and international audiences; and focusing on promoting an integrated, victim-centered approach to the investigation of human trafficking.

However, because the center is not formally codified, it lacks permanence and long-term funding necessary to further strengthen its efforts.

S. 2991 would make the CCHT permanent within ICE, ensuring that the progress made in recent years can be maintained and improved upon, while also increasing coordination among other components within DHS to fight human trafficking and prevent the importation of products made using forced labor.

This legislation would allow the CCHT to fortify its permanent staffing with at least 45 employees that are special agents, criminal analysts, victim-support specialists, and other subject-matter experts dedicated to disrupting and dismantling human trafficking organizations and providing support and protection to their victims.

To promote modernization of the CCHT's information systems and operations, which support global investigations of human trafficking and forced labor in supply chains, S. 2991 would require the development of a strategy and proposal to modify systems and processes related to its mission.

Lastly, this bill would transfer to the CCHT the Blue Campaign, the national public awareness campaign designed to educate the public, law enforcement, and industry partners to recognize and respond to human trafficking, and authorize DHS to transfer any additional functions to the CCHT that combat human trafficking and the production of goods using forced labor.

Because we know that traffickers are constantly looking for new ways to exploit new victims, we must do more to fight this grave crime. That includes being responsive to change and making necessary improvements to the agencies, offices, and components put in place to investigate, disrupt, and dismantle trafficking organizations and to give aid and support to victims.

This bipartisan legislation would allow the Center for Countering Human Trafficking to continue guiding counter-human trafficking operations, protecting victims, and enhancing prevention efforts to combat human trafficking around the world.

I thank Senator GARY PETERS for introducing this important legislation, as well as Representative JOHN KATKO, and the bipartisan coalition of colleagues who have worked on the House companion.

Mr. Speaker, I urge all of my colleagues to support the bill, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, December 9, 2022.

Hon. JERROLD NADLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN NADLER: I am writing to you concerning S. 2991, the ''Countering Human Trafficking Act of 2021.'' There are certain provisions in the legislation that fall within the rule X jurisdiction of the Committee on Homeland Security.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this committee's formal consideration of the provisions that fall within its jurisdiction. I do so with the understanding that, by waiving consideration of the bill, the Committee on Homeland Security does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its rule X jurisdiction.

Please place this letter in the Congressional Record during consideration of S. 2991 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 9, 2022.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: I am writing to you concerning S. 2991, the ''Countering Human Trafficking Act of 2021.''

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I acknowledge that your Committee will not formally consider S. 2991 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in S. 2991 which fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

JERRY NADLER,
Chairman.

Mrs. SPARTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in October 2020, the Trump administration created the Center for Countering Human Trafficking, or CCHT, to consolidate all human trafficking-related DHS components into one law enforcement operations center. This bill would codify this operations center within DHS. Additionally, it would transfer the resources of the Blue Campaign to the CCHT.

□ 1815

The Blue Campaign is a national public awareness campaign to educate the public, law enforcement, and others about the indicators of human trafficking and how to respond to potential cases.

Unfortunately, the Committee on the Judiciary has held no meetings on the CCHT or any of the various programs it operates. We should be evaluating the requirements and consequences of any piece of legislation in the committee of jurisdiction before it is brought to the floor. This is common sense.

Members should have an opportunity to ask important questions and offer amendments to the bill before it is brought to the floor for a vote. Unfortunately, that didn't happen here.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a member of the Committee on the Judiciary.

Ms. JACKSON LEE. Mr. Speaker, I thank the chairman from the Committee on the Judiciary, the gentleman from New York, and the manager who is joining us on these bipartisan bills, which many of them had their origins in the House. I am delighted that the Senate was able to join us. These bills come under the Senate name because of the fact that we are working with the Senate on many of these similar bills in order to have them become law, because they are important.

I rise now to support S. 2991, the Countering Human Trafficking Act. I thank the Senator from Michigan who offered this legislation, and it deals with making the Center for Countering Human Trafficking permanent and requires other changes to strengthen the center's contribution for the fight against human trafficking.

Let me be very clear on the floor. Human trafficking is an epidemic. It is a pandemic. It is a scourge on the fabric of America. Human trafficking is one of the greatest threats to human rights in the United States. In 2020, 11,190 instances of potential human trafficking were reported to the United States National Human Trafficking Hotline, with at least 70 percent of these instances involving sex trafficking.

The one thing about sex trafficking, it is more profitable than drugs, because you utilize, unfortunately, the tragic human being who has been made part of the bounty of your profit and recycle them over and over again, and they are young girls and boys in many instances.

I will continue to advance and support legislation, like the bill before us today, as well as programming aimed at preventing human trafficking, protecting victims and survivors, as an estimated 25 percent of human trafficking victims are reportedly in my home State of Texas at any given time, many of whom are minors.

In our State of Texas, we have developed strong advocacy groups that fight against human trafficking and even have done something innovative, which means that we have called our sports arenas No Trafficking Zones.

So I rise to support this legislation with over 5,359 trafficking victims and survivors identified through the hotline in 2019.

I introduced H.R. 7566, the Stop Human Trafficking in School Zones Act, now known as the No Trafficking Zones Act. I pronounce today on the floor, this bill must pass. We must have the Senate agree to this bill so this can be a complement to the bill that we now have on the floor. We have done hard work. We have worked with the Senate. We want to make sure we get this bill passed.

I rise also to support the bill previously discussed, the VAWA Technical Amendment Act of 2022. I thank Senator HIRONO for this courageous legislation to protect Native Hawaiian victims and survivors of domestic violence, dating violence, sex violence, and others, to have access to the vital services of VAWA, which I think are extremely important.

I also rise to support S. 5230, Billy's Law, or the Help Find the Missing Act. This is important. I have worked with missing and exploited children. This bipartisan legislation would fix the gaps in our Nation's databases of missing persons and unidentified remains, providing much-needed closure to the thousands of families who have endured the trauma of losing someone they love.

Each year, more than 600,000 Americans are reported missing. While many are ultimately found, at least 22,000 are currently missing.

I know that for a fact, Mr. Speaker, because I have dealt over the last month with a family whose loved one was missing, it was very painful, until tragically this person was found, and they were not found alive. But the pain of missing the person and not getting any response, this should be very helpful in at least giving comfort to families who are desperately in need of finding their loved one.

So as we go forward on this legislation, I hope to continue the work that we need to do with the Senate to move forward.

My final support is for S. 2899, the Prison Camera Reform Act of 2021. It is bipartisan legislation that would require the Bureau of Prisons to reevaluate the security camera, land-mobile radio, and public address systems in use at BOP institutions and submit to Congress a report. This is very important for civil liberty, civil rights, and prison employees.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Speaker, the well-being of these prisoners is critical, along with protecting the safety, well-being, and civil rights of incarcerated people and prison employees, including correctional officers, medical personnel, and other staff.

Let me just simply say, as I close, on the Bureau of Prisons, there is more work to be done. They have to do work on how they are treating women. There was a recent hearing that shows that women have been abused, sexually abused, in prisons, besides addressing other terrible issues, and that includes both prisoners and employees.

In addition, the Bureau of Prisons has been known to not utilize the compassionate release. In fact, their percentages are disgraceful. Most of the prisoners have had to go outside with a lawyer. This is a law. They should use it.

I hope that as we look at improving the cameras that will provide due process to these prisoners who are incarcerated, who are doing their time, they will also have a bureau that is responsible and sensitive to their responsibilities of incarceration but also fairness and due process.

I thank my colleague for yielding, and I ask for support for all of the legislation that I just commented on, particularly the underlying legislation.

Mr. Speaker, I rise in support of S. 2991, the "Countering Human Trafficking Act of 2021," which would make the Center for Countering Human Trafficking permanent and require other changes to strengthen the Center's contributions to the fight against human trafficking.

Human trafficking is one of the greatest threats to human rights in the United States. In 2020, 11,193 instances of potential human trafficking were reported to the United States National Human Trafficking Hotline with at least 70 percent of those instances involving sex trafficking.

I will continue to advance and support legislation, like the bill before us today, as well as programming aimed at preventing human trafficking and protecting victims and survivors—as an estimated 25 percent of human trafficking victims are reportedly in my home state of Texas at any given time—many of whom are minors.

At least 5,359 of trafficking victims and survivors identified through the hotline in 2019 were under the age of 18, and in 2021, the National Center for Missing and Exploited Children received more than 17,200 reports of suspected child sex trafficking.

That is why I introduced the H.R. 7566 Stop Human Trafficking in School Zones Act, also known as the No Trafficking Zones Act, to ensure that our nation's schools are a safe haven for students. I hope the Senate will take up and pass my bill so that we may get it to the president's desk before this Congress ends.

While traffickers seek out vulnerable minors and adults—no person is truly safe from the schemes of charismatic traffickers bent on exploiting and destroying lives.

Sadly, these statistics were only made worse by the COVID–19 pandemic—during which traffickers took advantage of individuals and communities in crisis—further increasing the number of people at risk of falling victim to human trafficking.

It is for all of these reasons that we must help maintain the momentum gained by the Center for Countering Human Trafficking in recent years.

The Center is responsible for integrating the efforts of 16 different offices and components of the Department of Homeland Security into a cohesive strategy that supports law enforcement investigations and training, shields and supports victims, develops and enhances prevention strategies, and engages with the public.

S. 2991 is a straightforward, bipartisan bill that would make the Center permanent while promoting stability and modernization and encouraging continued collaboration, growth, and innovation.

I thank Senator GARY PETERS and JOHN KATKO for their leadership on this bill and I urge my colleagues on both sides of the aisle to support it.

Mrs. SPARTZ. Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, S. 2991 would not only provide permanency, increased coordination, and modernization to the Center for Countering Human Trafficking and the Department of Homeland Security, this bill would also promote growth within the center and bolster victim-centered counter human trafficking efforts.

Mr. Speaker, I urge my colleagues to support it, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, every year, there are thousands of people who are victims of human trafficking in America.

Over the past two decades, the number of trafficking victims has steadily and disturbingly increased.

Human traffickers subject their victims to forced labor, debt bondage, or sexual exploitation by using violence, manipulation, or false promises.

This criminal activity are not just human rights abuses; they compromise national and economic security and harm the well-being of communities everywhere.

The Department of Homeland Security (DHS) leads the Federal Government's efforts to identify, disrupt, and dismantle complex domestic and cross-border human trafficking organizations.

Given that multiple DHS components are involved in this effort, it is important that there be standing and robust coordination mechanisms to ensure the Department is working to combat this threat effectively and efficiently.

That is why I support passage of the "Countering Human Trafficking Act of 2021," the Senate version of legislation introduced by my friend and the ranking member of the Committee on Homeland Security, Representative JOHN KATKO, and which I am a proud original cosponsor.

This legislation codifies DHS's Center for Countering Human Trafficking, a cross-component operations center that brings together 16 DHS agencies and offices to ensure they are working collaboratively.

As Chairman of the Committee on Homeland Security, I have long supported legislative efforts to improve the capabilities of U.S. law enforcement to disrupt and dismantle these dangerous human trafficking organizations.

Furthermore, Ranking Member KATKO and I led an effort last year to include important anti-human trafficking legislation in the "National Defense Authorization Act for Fiscal Year 2022."

Known as the "DHS Blue Campaign Enhancement Act," this legislation improved DHS's communication and education materials on human trafficking awareness and prevention.

I am confident that S. 2991 will build upon the success of the Blue Campaign.

Mr. Speaker, I encourage my colleagues to come together to stand against the exploitation of the most vulnerable among us and join me in supporting S. 2991.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the bill, S. 2991.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRISON CAMERA REFORM ACT OF 2021

Mr. NADLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2899) to require the Director of the Bureau of Prisons to address deficiencies and make necessary upgrades to the security camera and radio systems of the Bureau of Prisons to ensure the health and safety of employees and inmates.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prison Camera Reform Act of 2021''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Bureau of Prisons has 122 institutions located throughout the United States. The Bureau of Prisons employs nearly 38,000 employees and is responsible for more than 150,000 Federal inmates.

(2) Video footage from security camera systems and reliable communication over radio systems within Bureau of Prisons institutions are essential to protecting the health and safety of Bureau of Prisons employees and Federal inmates.

(3) Based on the experience of Bureau of Prisons correctional staff, the noticeable presence of functioning security cameras serves as an effective deterrent to criminal behavior and misconduct.

(4) Well-documented deficiencies of camera systems at Bureau of Prisons' facilities have hindered investigators' ability to substantiate allegations of serious misconduct by staff and inmates, including sexual and physical assaults, medical neglect, and introduction of contraband.

(5) In a 2016 report, the Office of the Inspector General for the Department of Justice determined that ''deficiencies within the BOP's security camera system have affected the OIG's ability to secure prosecutions of staff and inmates in BOP contraband introduction cases, and these same problems adversely impact the availability of critical evidence to support administrative or disciplinary action against staff and inmates''.

(6) Shortcomings in the land-mobile radio systems at Bureau of Prison facilities institutions impede the communication abilities of staff, slowing or preventing the response of correctional officers during an emergency or threat of attack, and jeopardizing the safety of both staff and Federal inmates.

SEC. 3. REQUIRED PLAN FOR REFORM OF BOP SECURITY CAMERA AND RADIO COVERAGE AND CAPABILITIES.

(a) PLAN.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall—

(1) evaluate the security camera, land-mobile radio (referred to in this Act as ''LMR''), and public address (referred to in this Act as ''PA'') systems in use by the Bureau of Prisons as of the date of enactment of this Act; and

(2) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a plan for ensuring that all Bureau of Prisons correctional facilities have the security camera, LMR, and PA system coverage and capabilities necessary to—

(A) ensure the health and safety of staff and Federal inmates; and

(B) ensure the documentation and accessibility of video evidence that may pertain to misconduct by staff or inmates, negligent or abusive treatment of inmates, or criminal activity within correctional facilities.

(b) CONTENTS.—The plan required under subsection (a) shall—

(1) identify and include plans to address any deficiencies in the security camera system in use at Bureau of Prisons correctional facilities, including those related to—

(A) an insufficient number of cameras;

(B) inoperable or malfunctioning cameras;

(C) blind spots;

(D) poor quality video; and

(E) any other deficits in the security camera system;

(2) identify and include plans to adopt and maintain any security camera system upgrades needed to achieve the purposes described in subsection (a), including—

(A) conversion of all analog cameras to digital surveillance systems, with corresponding infrastructure and equipment upgrade requirements;

(B) upgrades to ensure the secure storage, logging, preservation, and accessibility of recordings such that the recordings are available to investigators or Courts at such time as may be reasonably required; and

(C) additional enterprise-wide camera system capabilities needed to enhance the safety and security of inmates and staff;

(3) identify and include plans to address any deficiencies in the LMR and PA systems in use at Bureau of Prisons correctional facilities, including those related to—

(A) an inadequate number of radios;

(B) inoperable, outdated, or malfunctioning LMR or PA systems;

(C) areas of Bureau of Prisons correctional facilities that lack adequate reception for radio operation;

(D) radios that lack an emergency notification feature (also known as a ''man down'' function), which automatically sends an alert and transmits the location of that radio in the event the wearer is in a prone position; and

(E) any other deficits in the LMR or PA systems;

(4) include an assessment of operational and logistical considerations in implementing the plan required under subsection (a), including—

(A) a prioritization of facilities for needed upgrades, beginning with high security institutions;

(B) the personnel and training necessary to implement the changes; and

(C) ongoing repair and maintenance requirements; and

(5) include a 3-year strategic plan and cost projection for implementing the changes and upgrades to the security camera, LMR, and PA systems identified under paragraphs (1) through (4).

(c) IMPLEMENTATION DEADLINE.—Not later than 3 years after the date on which the plan is submitted under subsection (a)(2), and subject to appropriations, the Director of the Bureau of Prisons shall complete implementation of the submitted plan.

(d) ANNUAL PROGRESS REPORTS.—Beginning 1 year after the date on which the plan is submitted under subsection (a)(2), and each year thereafter until the end of the 3-year period described in subsection (c), the Director of the Bureau of Prisons shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of the implementation of the submitted plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentlewoman from Indiana (Mrs. SPARTZ) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2899.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2899, the Prison Camera Reform Act of 2021, is bipartisan legislation that would require the Bureau of Prisons to evaluate the security camera, land-mobile radio, and public address systems in use at the BOP institutions, submit to Congress a report on any deficiencies, and implement a plan for needed improvements.

In 2016, the Department of Justice Office of Inspector General issued a report on deficiencies within BOP camera systems. The report found that camera deficiencies affected the ability to secure prosecutions of staff and incarcerated individuals in cases involving introduction of contraband in BOP facilities and adversely affected the availability of critical evidence to support administrative or disciplinary action against staff and incarcerated individuals.

Following that report, BOP took some action to improve the camera systems. However, their efforts have proved insufficient. A follow-up OIG memo in 2021 found that of the over 24,000 cameras across all BOP institutions, 86 percent, more than 20,000, are still analog or utilize old technology. Analog cameras produce poor-quality video, have limited coverage, and contribute to dangerous or unsafe areas within BOP institutions.

A fully digital camera system would produce improved video quality and coverage, enhanced search capabilities, and expand video storage periods of between 60 and 120 days. These capabilities would improve the BOP's threat assessments, monitoring, and contraband interdictions.

Improving BOP camera systems will create safer institutions for both correctional staff and incarcerated individuals.

Tragic cases of officer assaults against individuals while incarcerated often rely on camera footage as evidence, but outdated technology makes holding these officers accountable even more difficult.

This bill would require the BOP to investigate and address deficiencies in the camera and radio systems across all institutions. The BOP would also be required to implement all needed improvements within 3 years and to submit annual progress reports. The significant oversight mechanisms within this legislation will enable Congress to hold the BOP accountable and ensure that all deficiencies are addressed within the specified time period.

Security camera systems within prisons are critical for protecting the safety, well-being, and civil rights of both incarcerated people and prison employees.

This bipartisan measure would require the BOP to investigate and address these critical safety concerns and ensure that the improvements will, in fact, be made by including significant congressional oversight.

I thank Representatives KELLER, MCBATH, and TRONE, as well as Senator OSSOFF, for introducing this important legislation.

Mr. Speaker, I urge all my colleagues to support the bill, and I reserve the balance of my time.

Mrs. SPARTZ. Mr. Speaker, I yield myself such time as I may consume.

S. 2899 requires the Director of the Bureau of Prisons to evaluate the security camera, radio, and public address systems in all BOP facilities and to submit a report to Congress with a plan to address the deficiencies.

Once the report is submitted, BOP has 3 years to implement the system upgrades as detailed in the report. The bill also requires the BOP to submit annual progress reports to Congress on the implementation of the submitted plan.

In 2016, the Office of the Inspector General at the Department of Justice published a report identifying major problems with the BOP's security cameras. These problems included security cameras with blind spots, cameras that were inoperable, cameras with poor video quality, and other serious deficiencies.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I reserve the balance of my time.

Mrs. SPARTZ. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I am here today to speak in support of S. 2899, the Prison Camera Reform Act of 2021.

Our team, along with Congresswoman MCBATH, introduced the House companion to this bill, which requires the Bureau of Prisons to evaluate their security cameras and address deficiencies so that the Bureau of Prisons can keep correctional officers and inmates safe, oversee misconduct, and limit contraband.

As the chair of the Congressional Bureau of Prisons Reform Caucus, our team has facilitated several meetings with officials from the Bureau of Prisons and the Council of Prison Locals.

During these meetings, we heard from corrections officers about major deficiencies and needed upgrades within the BOP's security camera system. These deficiencies have made it harder for corrections officers to protect themselves and maintain secure facilities.

The Prison Camera Reform Act works to address these concerns, requiring the BOP to evaluate current conditions of equipment and formulate a plan on how they will address any deficiencies identified.

The outstanding men and women who work in our Nation's correctional facilities deal with dangerous situations every day. They deserve the tools and support necessary to keep themselves and the inmates whom they protect safe from harm.

Shane Fausey and Steve Markle, with the Council of Prison Locals, have been tireless advocates for America's corrections officers and staff, and their sage counsel was vital in developing the Prison Camera Reform Act, which has been a top legislative priority for our BOP Reform Caucus.

While the BOP faces many challenges, passing the Prison Camera Reform Act would be a major step forward for the agency, corrections officers, and security of America's Federal prisons.

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Mrs. SPARTZ. Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, the lack of adequate camera systems puts the safety of both incarcerated individuals and correctional officers and staff at risk.

The Prison Camera Reform Act of 2021 is bipartisan legislation that takes an important step toward making much-needed improvements.

Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, S. 2899, the "Prison Camera Reform Act of 2021," is bipartisan legislation that would require the Bureau of Prisons to evaluate the security camera, land-mobile radio, and public address systems in use at BOP institutions and submit to Congress a report on any deficiencies and a plan to implement needed improvements.

Security camera systems within prisons are critical for protecting the safety, wellbeing and civil rights of both incarcerated people and prison employees, including correctional officers, medical personnel and other staff.

Documented deficiencies in the federal Bureau of Prisons' security camera systems, however, limit the effectiveness of that protection.

A 2016, DOJ Office of Inspector General report identified major deficiencies and needed upgrades within the BOP's security camera system, including blind spots, inoperable cameras and limited functionality.

In a 2021 memo, OIG reaffirmed the 2016 report stating that "the OIG continues to see the same deficiencies in our investigations that we observed during our 2016 review. These deficiencies have negatively impacted the OIG's investigations and ability to secure prosecution of serious incidents in BOP institutions, including sexual assaults, civil rights violations, introduction of contraband, dereliction of duty, and even inmate deaths."

Although BOP has begun upgrading these systems at some institutions, serious shortcomings remain.

This bill would require BOP to investigate and address deficiencies in the camera and radio systems across all institutions.

BOP would also be required to implement all needed improvements within three years and submit annual progress reports. The significant oversight mechanisms within this legislation will enable Congress to hold BOP accountable and ensure all deficiencies are addressed within the specified time period.

"Dead spots" in video surveillance coverage inside FCI Dublin in California may have even contributed to the lack of accountability for the sexual abuse committed against incarcerated women in that facility.

Earlier this month, a former unit manager at FCI Dublin testified that the facility lacked sufficient security camera coverage and that many cameras are either not monitored or footage is deleted. The former warden is relying heavily on the lack of video footage in his defense against the sexual assault case.

This tragic story highlights the need to address camera deficiencies within BOP facilities as quickly as possible. The lack of adequate camera systems puts the safety of both incarcerated individuals and correctional officers and staff at risk.

This bill is a bipartisan common sense measure to require that BOP investigate and address these critical safety concerns and ensures that the improvements will be made by including adequate Congressional oversight.

I want to thank Representatives KELLER, MCBATH, and TRONE as well as Senator OSSOFF for introducing this important legislation. I urge all of my colleagues to support the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the bill, S. 2899.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HELP FIND THE MISSING ACT

Mr. NADLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5230) to increase accessibility to the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 5230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Billy's Law" or the "Help Find the Missing Act".

SEC. 2. AUTHORIZATION OF THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM.

(a) IN GENERAL.—The Attorney General, shall maintain the "National Missing and Unidentified Persons System" or "NamUs", consistent with the following:

(1) The NamUs shall be a national information clearinghouse and resource center for missing, unidentified, and unclaimed person cases across the United States administered by the National Institute of Justice and managed through an agreement with an eligible entity.

(2) The NamUs shall coordinate or provide—

(A) online database technology which serves as a national information clearinghouse to help expedite case associations and resolutions;

(B) various free-of-charge forensic services to aid in the identification of missing persons and unidentified remains;

(C) investigative support for criminal justice efforts to help missing and unidentified person case resolutions;

(D) technical assistance for family members of missing persons;

(E) assistance and training by coordinating State and local service providers in order to support individuals and families impacted by the loss or disappearance of a loved one; and

(F) training and outreach from NamUs subject matter experts, including assistance with planning and facilitating Missing Person Day events across the country.

(b) PERMISSIBLE USE OF FUNDS.—

(1) IN GENERAL.—The permissible use of funds awarded under this section for the implementation and maintenance of the agreement created in subparagraph (a)(1) include the use of funds—

(A) to hire additional personnel to provide case support and perform other core NamUs functions;

(B) to develop new technologies to facilitate timely data entry into the relevant data bases;

(C) to conduct contracting activities relevant to core NamUs services;

(D) to provide forensic analyses to support the identification of missing and unidentified persons, to include, but not limited to DNA typing, forensic odontology, fingerprint examination, and forensic anthropology;

(E) to train State, local, and Tribal law enforcement personnel and forensic medicine service providers to use NamUs resources and best practices for the investigation of missing and unidentified person cases;

(F) to assist States in providing information to the NCIC database, the NamUs database, or any future database system for missing, unidentified, and unclaimed person cases;

(G) to report to law enforcement authorities in the jurisdiction in which the remains were found information on every deceased, unidentified person, regardless of age;

(H) to participate in Missing Person Days and other events to directly support family members of the missing with NamUs case entries and DNA collections;

(I) to provide assistance and training by coordinating State and local service providers in order to support individuals and families;

(J) to conduct data analytics and research projects for the purpose of enhancing knowledge, best practices, and training related to missing and unidentified person cases, as well as developing NamUs system enhancements;

(K) to create and maintain a secure, online, nationwide critical incident response tool for professionals that will connect law enforcement, medico-legal and emergency management professionals, as well as victims and families during a critical incident; and

(L) for other purposes consistent with the goals of this section.

(c) AMENDMENTS TO THE CRIME CONTROL ACT OF 1990 TO REQUIRE REPORTS OF MISSING CHILDREN TO NAMUS.—

(1) REPORTING REQUIREMENT.—Section 3701(a) of the Crime Control Act of 1990 (34 U.S.C. 41307(a)) is amended by striking the period and inserting the following: "and, consistent with section 3 (including rules promulgated pursuant to section 3(c)) of the Help Find the Missing Act, shall also report such case, either directly or through authorization described in such section to transmit, enter, or share information on such case, to the NamUs databases.".

(2) STATE REQUIREMENTS.—Section 3702 of the Crime Control Act of 1990 (34 U.S.C. 41308) is amended—

(A) in paragraph (2), by striking ''or the National Crime Information Center computer database'' and inserting '', the National Crime Information Center computer database, or the NamUs databases'';

(B) in the matter following paragraph (3), by striking ''and the National Crime Information Center computer networks'' and inserting '', the National Crime Information Center computer networks, and the NamUs databases''; and

(C) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting ''or the NamUs databases'' after ''National Crime Information Center''; and

(ii) in subparagraph (A), by striking ''and National Crime Information Center computer networks'' and inserting '', National Crime Information Center computer networks, and the NamUs databases''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to reports made before, on, or after the date of enactment of this Act.

SEC. 3. INFORMATION SHARING.

(a) ACCESS TO NCIC.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall, in accordance with this section, provide access to the NCIC Missing Person and Unidentified Person Files to the National Institute of Justice or its designee administering the NamUs program as a grantee or contractor, for the purpose of reviewing missing and unidentified person records in NCIC for case validation and NamUs data reconciliation.

(b) ELECTRONIC DATA SHARING.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall, in accordance with this section, have completed an assessment of the NCIC and NamUs system architectures and governing statutes, policies, and procedures and provide a proposed plan for the secure and automatic data transmission of missing and unidentified person records that are reported to and entered into the NCIC database, with the following criteria, to be electronically transmitted to the NamUs system.

(1) Missing Person cases with an MNP (Missing Person) code of CA (Child Abduction) or AA (Amber Alert) within 72 hours of entry into NCIC;

(2) Missing Person cases with an MNP code EME (Endangered) or EMI (Involuntary) within 30 days of entry into NCIC;

(3) All other Missing Person cases that have been active (non-cancelled) in NCIC for 180 days;

(4) Unidentified person cases that have been active (non-cancelled) in NCIC for 60 days;

(5) Once case data are transmitted to NamUs, cases are marked as such within NCIC, and any updates to such cases will be transmitted to NamUs within 24 hours.

(c) RULES ON CONFIDENTIALITY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Director of the FBI, shall promulgate rules pursuant to notice and comment that specify the information the Attorney General may allow NamUs to access from the NCIC Missing Person and Unidentified Person files or be transmitted from the NCIC database to the NamUs databases for purposes of this Act. Such rules shall—

(A) provide for the protection of confidential, private, and law enforcement sensitive information contained in the NCIC Missing Person and Unidentified Person files; and

(B) specify the circumstances in which access to portions of information in the Missing Person and Unidentified Person files may be withheld from the NamUs databases.

SEC. 4. REPORT ON BEST PRACTICES.

Not later than 1 year after the date of the enactment of this Act, the Attorney General shall issue a report to offices of forensic medicine service providers, and Federal, State, local, and Tribal law enforcement agencies describing the best practices for the collection, reporting, and analysis of data and information on missing persons and unidentified human remains. Such best practices shall—

(1) provide an overview of the NCIC database and NamUs databases;

(2) describe how local law enforcement agencies, and offices of forensic medicine service providers should access and use the NCIC database and NamUs databases;

(3) describe the appropriate and inappropriate uses of the NCIC database and NamUs databases; and

(4) describe the standards and protocols for the collection, reporting, and analysis of data and information on missing persons and unidentified human remains.

SEC. 5. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act and biennially thereafter, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report describing the status of the NCIC database and NamUs databases.

(b) CONTENTS.—The report required by subsection (a) shall describe, to the extent available, information on the process of information sharing between the NCIC database and NamUs databases.

SEC. 6. DEFINITIONS.

In this Act:

(1) AUTHORIZED AGENCY.—The term ''authorized agency'' means a Government agency with an originating agency identification (ORI) number and that is a criminal justice agency, as defined in section 20.3 of title 28, Code of Federal Regulations.

(2) FBI.—The term ''FBI'' means the Federal Bureau of Investigation.

(3) FORENSIC MEDICINE SERVICE PROVIDER.—The term ''forensic medicine service provider'' means a State or unit of local government forensic medicine service provider having not fewer than 1 part-time or full-time employed forensic pathologist, or forensic pathologist under contract, who conducts medicolegal death investigations, including examinations of human remains, and who provides reports or opinion testimony with respect to such activity in courts of law within the United States.

(4) FORENSIC SCIENCE SERVICE PROVIDER.—The term ''forensic science service provider'' means a State or unit of local government agency having not fewer than 1 full-time analyst who examines physical evidence in criminal or investigative matters and provides reports or opinion testimony with respect to such evidence in courts in the United States.

(5) NAMUS DATABASES.—The term ''NamUs databases'' means the National Missing and Unidentified Persons System Missing Persons database and National Missing and Unidentified Persons System Unidentified Decedents database maintained by the National Institute of Justice of the Department of Justice, which serves as a clearinghouse and resource center for missing, unidentified, and unclaimed person cases.

(6) NCIC DATABASE.—The term ''NCIC database'' means the National Crime Information Center Missing Person File and National Crime Information Center Unidentified Person File of the National Crime Information Center database of the FBI, established pursuant to section 534 of title 28, United States Code.

(7) QUALIFYING LAW ENFORCEMENT AGENCY DEFINED.—The term ''qualifying law enforcement agency'' means a State, local, or Tribal law enforcement agency.

(8) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentlewoman from Indiana (Mrs. SPARTZ) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on S. 5230.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Every year in this country over 600,000 Americans go missing. While many of the missing are fortunate to be found alive and well, tens of thousands of individuals remain missing for more than 1 year, what many agencies consider to be cold cases.

It is also estimated that 4,400 unidentified bodies are recovered each year, with approximately 1,000 of those remaining unidentified, also becoming cold cases.

The families of those who go missing are forced to endure crushing uncertainty, not knowing what happened to their loved ones or if they will ever return. But they also face systemic challenges in helping law enforcement locate the missing or match them to unidentified remains so that they can at least have some semblance of closure.

The Help Find the Missing Act, or Billy's Law, is bipartisan legislation that will help address this crisis by closing loopholes in our Nation's missing person databases by streamlining the reporting process and ensuring that law enforcement databases are more comprehensive and accessible.

The bill is named after Billy Smolinski of Waterbury, Connecticut, who went missing in 2004 at the age of 31, and whose family ran into countless obstacles as they attempted to help law enforcement in the search, including that Federal law does not mandate the reporting of missing adults or unidentified bodies.

This problem is compounded by the fact that local law enforcement agencies, medical examiners, and coroners often lack the resources and training to report these cases to the appropriate national authorities. When cases of missing persons or unidentified remains are reported, the number of separate and uncoordinated Federal, State, and local databases makes it extremely difficult to find the missing or match them with recovered remains.

Billy's Law will address these challenges by authorizing and ensuring funding for the Department of Justice to continue to maintain the National Missing and Unidentified Persons System, or NamUs, which is the national clearinghouse and resource center for missing, unidentified, and unclaimed persons. It provides an online database that is accessible to law enforcement and the public, and to which the public can contribute.

NamUs also provides free forensic services to aid in the identification of missing persons and unidentified remains; investigative support to law enforcement agencies; technical assistance to families of missing persons; and its subject matter experts train State and local service providers to support individuals and families impacted by the disappearance of a loved one.

Critically, Billy's Law would require data sharing between NamUs and the FBI's National Crime Information Center, or NCIC, in order to create more comprehensive databases of missing persons and unidentified remains and streamline the reporting process for State, local, and Tribal law enforcement. It would also amend current law to require that missing children be reported to NamUs as well as to NCIC, and it would require the reporting of information on every unidentified deceased person, regardless of age.

In addition, the bill would require the Attorney General to issue guidelines and best practices to law enforcement, medical examiners, and coroners on handling cases involving missing persons or unidentified remains.

We must do everything possible to ensure that we have a comprehensive and coordinated missing persons reporting and investigation system that works so that we can provide resolution to the families of those whose loved ones disappear.

I thank Senator CHRIS MURPHY for his yearslong effort to pass Billy's Law, and I thank Representative JAHANA HAYES for introducing the House companion bill.

Mr. Speaker, I urge all of my colleagues to support this bill, and I reserve the balance of my time.

Mrs. SPARTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 5230, the Help Find the Missing Act, authorizes the National Missing and Unidentified Persons System.

The National Missing and Unidentified Persons System was created by the Department of Justice 15 years ago to provide a missing persons and unidentified remains database that the public can contribute to and access.

S. 5230 would connect the National Missing and Unidentified Persons System with the FBI's National Crime Information Center, which would create more comprehensive missing persons and unidentified remains databases. This would allow for a more streamlined reporting process for law enforcement.

This bill would also require missing children be reported to the National Missing and Unidentified Persons System. Currently, missing children are only required to be reported to the National Crime Information Center.

Finally, the bill would require the Department of Justice to issue guidelines and best practices on handling missing persons and unidentified remains cases for law enforcement, medical examiners, and coroners to find the missing.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Connecticut (Mrs. HAYES), a sponsor of the bill.

Mrs. HAYES. Mr. Speaker, I rise in support of S. 5230, the Help Find the Missing Act, also known as Billy's Law. I thank Senator MURPHY for his leadership on this bill, and I am honored to introduce it in the House.

This bill is named for Billy Smolinski. Billy went missing from my hometown of Waterbury, Connecticut, on August 24, 2004, nearly 20 years ago.

Unlike with missing children, Federal law does not require law enforcement to report missing adults or unidentified bodies. Without it, families are left to unravel the mystery of what happened to their loved ones without any support. The Smolinski family was left to navigate a complicated and disjointed system.

In the absence of a vigorous and sustained effort to solve the crime, the family created a personal tip line, placed billboards on highways that I drove by every day for many years, and worked closely with a private investigator.

When Bill and Janice Smolinski received tips, they would organize search parties, which worked with rescue teams and brought in highly trained cadaver dogs to sniff the woods in search of their son.

Each year, nearly half a million people go missing, and sadly, many of them will never see their loved ones again. Yet, over 40,000 sets of unidentified human remains are either held at coroners' offices or disposed of after going unclaimed.

Due to gaps in missing persons databases, missing persons and unidentified remains are rarely matched. Billy's Law will fix this critical gap by directing the Department of Justice to continually operate NamUs, the National Missing and Unidentified Persons System, and connect it to the FBI's National Crime Information Center. It will also provide guidelines for local law enforcement agencies, medical examiners, and coroners on how to best handle missing person cases.

This bill has the support of the National Fraternal Order of Police and the Consortium of Forensic Science Organizations, as well as both the Smolinski family and the family of Gabby Petito.

This bill will also help to bring home the missing, many whose names never make headlines or who are never talked about in the media, and offer closure to the families of those who will never make it home.

Mr. Speaker, I urge my colleagues to vote "yes" on this bipartisan, commonsense legislation to deliver justice to countless families.

Mrs. SPARTZ. Mr. Speaker, I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, the families and loved ones of those who have gone missing spend every day desperately searching for answers and for help. Billy's Law provides critical tools to help them find answers, coordinating our Nation's multiple missing persons databases, increasing reporting requirements, and providing training and resources to the myriad agencies that investigate these cases, while supporting the victims' families.

Mr. Speaker, I urge all of my colleagues to join me in support of this crucial bipartisan legislation, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of S. 5230, the "Help Find the Missing Act," also known as "Billy's Law."

This bipartisan legislation would fix the gaps in our Nation's databases of missing persons and unidentified remains, providing much-needed closure to the thousands of families who have endured the trauma of losing someone they love.

Each year more than 600,000 Americans are reported missing. While many are ultimately found, at least 22,000 Americans are currently missing, and the remains of over 14,000 individuals have been recovered but not identified.

My own State of Texas has been hit particularly hard by the crisis of missing persons, as we have more than 2,200 open cases—second only to California—and three Texas cities rank among the top 10 cities with the highest number of missing persons.

The pain that families experience when one of their loved one goes missing is unimaginable. It is not merely a loss; it is a loss accompanied by terror, uncertainty, and endless questions that are rarely answered. We can, and we must, do more to help find the missing; to save who we can; and to provide assistance to the families of those who we cannot find or save.

Billy's Law would help us find more of our missing Americans by ensuring that the Department of Justice continues to maintain the National Missing Persons and Unidentified Persons System, or "NamUs."

In addition to providing a database of missing persons, NamUs provides a variety of critical support services to law enforcement, medical examiners, and families of those who have gone missing.

But not all missing persons and unidentified remains are required to be reported to NamUs. That is why Billy's Law is so critical.

Rather than having a multitude of unconnected missing person databases that cannot communicate with each other, Billy's Law would link NamUs with the FBI's National

Criminal Information Center (NCIC) database, creating more complete, comprehensive databases and streamlining the reporting process.

The bill would also require the Attorney General to issue guidelines and best practices to the agencies that handle cases involving missing persons or unidentified remains.

Lastly, Billy's Law would expand current law to require that missing children be reported to NamUs, in addition to NCIC, and it will require the reporting of information on every unidentified deceased person, adults and children alike.

My State of Texas passed similar legislation just last year, requiring law enforcement agencies and medical examiners to use NamUs to solve missing and unidentified persons cases.

But while I am proud of the steps my State has taken, this is a national problem that demands a national solution. Billy's Law is that solution.

As a testament to the value of this bipartisan legislation, it is supported by numerous law enforcement and forensic specialist organizations, including the National Association of Police Organizations, the Fraternal Order of Police, The American Academy of Forensic Sciences, and the National Association of Medical Examiners.

I commend Senator MURPHY for his years of dedication to Billy's Law and missing persons across the country, and I thank Representative HAYES for her work on this issue as well. I urge my colleagues to support this significant bipartisan legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the bill, S. 5230.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PERRY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

LAW ENFORCEMENT DE-ESCALATION TRAINING ACT OF 2022

Mr. NADLER. Madam Speaker, pursuant to House Resolution 1518, I call up the bill (S. 4003) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for training on alternatives to use of force, de-escalation, and mental and behavioral health and suicidal crises, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. HAYES). Pursuant to House Resolution 1518, the bill is considered read.

The text of the bill is as follows:

S. 4003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Law Enforcement De-Escalation Training Act of 2022''.

SEC. 2. TRAINING ON ALTERNATIVES TO USE OF FORCE, DE-ESCALATION, AND MENTAL AND BEHAVIORAL HEALTH CRISES.

(a) DEFINITIONS.—Section 901(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251(a)) is amended—

(1) in paragraph (27), by striking ''and'' at the end;

(2) in paragraph (28), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(29) the term 'de-escalation' means taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary;

''(30) the term 'mental or behavioral health or suicidal crisis'—

''(A) means a situation in which the behavior of a person—

''(i) puts the person at risk of hurting himself or herself or others; or

''(ii) impairs or prevents the person from being able to care for himself or herself or function effectively in the community; and

''(B) includes a situation in which a person—

''(i) is under the influence of a drug or alcohol, is suicidal, or experiences symptoms of a mental illness; or

''(ii) may exhibit symptoms, including emotional reactions (such as fear or anger), psychological impairments (such as inability to focus, confusion, or psychosis), and behavioral reactions (such as the trigger of a freeze, fight, or flight response);

''(31) the term 'disability' has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

''(32) the term 'crisis intervention team' means a collaborative, interdisciplinary team that brings together specially trained law enforcement officers, mental health providers, and other community stakeholders to respond to mental health-related calls, use appropriate de-escalation techniques, and assess if referral to services or transport for mental health evaluation is appropriate; and

''(33) the term 'covered mental health professional' means a mental health professional working on a crisis intervention team—

''(A) as an employee of a law enforcement agency; or

''(B) under a legal agreement with a law enforcement agency.''.

(b) COPS PROGRAM.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381) is amended by adding at the end the following:

''(n) TRAINING IN ALTERNATIVES TO USE OF FORCE, DE-ESCALATION TECHNIQUES, AND MENTAL AND BEHAVIORAL HEALTH CRISES.—

''(1) TRAINING CURRICULA.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall develop training curricula or identify effective existing training curricula for law enforcement officers and for covered mental health professionals regarding—

''(i) de-escalation tactics and alternatives to use of force;

''(ii) safely responding to an individual experiencing a mental or behavioral health or suicidal crisis or an individual with a disability, including techniques and strategies that are designed to protect the safety of that individual, law enforcement officers, mental health professionals, and the public;

''(iii) successfully participating on a crisis intervention team; and

''(iv) making referrals to community-based mental and behavioral health services and support, housing assistance programs, public benefits programs, the National Suicide Prevention Lifeline, and other services.

''(B) REQUIREMENTS.—The training curricula developed or identified under this paragraph shall include—

''(i) scenario-based exercises;

''(ii) pre-training and post-training tests to assess relevant knowledge and skills covered in the training curricula; and

''(iii) follow-up evaluative assessments to determine the degree to which participants in the training apply, in their jobs, the knowledge and skills gained in the training.

''(C) CONSULTATION.—The Attorney General shall develop and identify training curricula under this paragraph in consultation with relevant law enforcement agencies of States and units of local government, associations that represent individuals with mental or behavioral health diagnoses or individuals with disabilities, labor organizations, professional law enforcement organizations, local law enforcement labor and representative organizations, law enforcement trade associations, mental health and suicide prevention organizations, family advocacy organizations, and civil rights and civil liberties groups.

''(2) CERTIFIED PROGRAMS AND COURSES.—

''(A) IN GENERAL.—Not later than 180 days after the date on which training curricula are developed or identified under paragraph (1)(A), the Attorney General shall establish a process to—

''(i) certify training programs and courses offered by public and private entities to law enforcement officers or covered mental health professionals using 1 or more of the training curricula developed or identified under paragraph (1), or equivalents to such training curricula, which may include certifying a training program or course that an entity began offering on or before the date on which the Attorney General establishes the process; and

''(ii) terminate the certification of a training program or course if the program or course fails to continue to meet the standards under the training curricula developed or identified under paragraph (1).

''(B) PARTNERSHIPS WITH MENTAL HEALTH ORGANIZATIONS AND EDUCATIONAL INSTITUTIONS.—Not later than 180 days after the date on which training curricula are developed or identified under paragraph (1)(A), the Attorney General shall develop criteria to ensure that public and private entities that offer training programs or courses that are certified under subparagraph (A) collaborate with local mental health organizations to—

''(i) enhance the training experience of law enforcement officers through consultation with and the participation of individuals with mental or behavioral health diagnoses or disabilities, particularly such individuals who have interacted with law enforcement officers; and

''(ii) strengthen relationships between health care services and law enforcement agencies.

''(3) TRANSITIONAL REGIONAL TRAINING PROGRAMS FOR STATE AND LOCAL AGENCY PERSONNEL.—

''(A) IN GENERAL.—During the period beginning on the date on which the Attorney General establishes the process required under paragraph (2)(A) and ending on the date that is 18 months after that date, the Attorney General shall, and thereafter the Attorney General may, provide, in collaboration with law enforcement training academies of States and units of local government as appropriate, regional training to equip personnel from law enforcement agencies of States and units of local government in a

State to offer training programs or courses certified under paragraph (2)(A).

''(B) CONTINUING EDUCATION.—The Attorney General shall develop and implement continuing education requirements for personnel from law enforcement agencies of States and units of local government who receive training to offer training programs or courses under subparagraph (A).

''(4) LIST.—Not later than 1 year after the Attorney General completes the activities described in paragraphs (1) and (2), the Attorney General shall publish a list of law enforcement agencies of States and units of local government employing law enforcement officers or using covered mental health professionals who have successfully completed a course using 1 or more of the training curricula developed or identified under paragraph (1), or equivalents to such training curricula, which shall include—

''(A) the total number of law enforcement officers that are employed by the agency;

''(B) the number of such law enforcement officers who have completed such a course;

''(C) whether personnel from the law enforcement agency have been trained to offer training programs or courses under paragraph (3);

''(D) the total number of covered mental health professionals who work with the agency; and

''(E) the number of such covered mental health professionals who have completed such a course.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection—

''(A) $3,000,000 for fiscal year 2023;

''(B) $20,000,000 for fiscal year 2024;

''(C) $10,000,000 for fiscal year 2025; and

''(D) $1,000,000 for fiscal year 2026.''.

(c) BYRNE JAG PROGRAM.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.) is amended—

(1) by redesignating section 508 as section 509; and

(2) by inserting after section 507 the following:

''SEC. 508. LAW ENFORCEMENT TRAINING PROGRAMS.

''(a) DEFINITION.—In this section, the term 'certified training program or course' means a program or course using 1 or more of the training curricula developed or identified under section 1701(n)(1), or equivalents to such training curricula—

''(1) that is provided by the Attorney General under section 1701(n)(3); or

''(2) that is—

''(A) provided by a public or private entity, including the personnel of a law enforcement agency or law enforcement training academy of a State or unit of local government who have been trained to offer training programs or courses under section 1701(n)(3); and

''(B) certified by the Attorney General under section 1701(n)(2).

''(b) AUTHORITY.—

''(1) IN GENERAL.—Not later than 90 days after the Attorney General completes the activities required by paragraphs (1) and (2) of section 1701(n), the Attorney General shall, from amounts made available to fund training programs pursuant to subsection (h), make grants to States for use by the State or a unit of government located in the State to—

''(A) pay for—

''(i) costs associated with conducting a certified training program or course or, subject to paragraph (2), a certified training program or course that provides continuing education; and

''(ii) attendance by law enforcement officers or covered mental health professionals at a certified training program or course, including a course provided by a law enforcement training academy of a State or unit of local government;

''(B) procure a certified training program or course or, subject to paragraph (2), a certified training program or course that provides continuing education on 1 or more of the topics described in section 1701(n)(1)(A);

''(C) in the case of a law enforcement agency of a unit of local government that employs fewer than 50 employees (determined on a full-time equivalent basis), pay for the costs of overtime accrued as a result of the attendance of a law enforcement officer or covered mental health professional at a certified training program or course for which the costs associated with conducting the certified training program or course are paid using amounts provided under this section;

''(D) pay for the costs of developing mechanisms to comply with the reporting requirements established under subsection (d), in an amount not to exceed 5 percent of the total amount of the grant award; and

''(E) pay for the costs associated with participation in the voluntary National Use-of-Force Data Collection of the Federal Bureau of Investigation, in an amount not to exceed 5 percent of the total amount of the grant award, if a law enforcement agency of the State or unit of local government is not already reporting to the National Use-of-Force Data Collection.

''(2) REQUIREMENTS FOR USE FOR CONTINUING EDUCATION.—

''(A) DEFINITION.—In this paragraph, the term 'covered topic' means a topic covered under the curricula developed or identified under clause (i), (ii), or (iv) of section 1701(n)(1)(A).

''(B) REQUIREMENT TO PROVIDE INITIAL TRAINING.—A State or unit of local government shall ensure that all officers who have been employed with the State or unit of local government for at least 2 years have received training as part of a certified training program or course on all covered topics before the State or unit of local government uses amounts received under a grant under paragraph (1) for continuing education with respect to any covered topic.

''(C) START DATE OF AVAILABILITY OF FUNDING.—

''(i) IN GENERAL.—Subject to clause (ii), a State or unit of local government may not use amounts received under a grant under paragraph (1) for continuing education with respect to a covered topic until the date that is 2 years after the date of enactment of the Law Enforcement De-Escalation Training Act of 2022.

''(ii) EXCEPTION.—A State or unit of local government may use amounts received under a grant under paragraph (1) for continuing education with respect to a covered topic during the 2-year period beginning on the date of enactment of the Law Enforcement De-Escalation Training Act of 2022 if the State or unit of local government has complied with subparagraph (B) using amounts available to the State or unit of local government other than amounts received under a grant under paragraph (1).

''(3) MAINTAINING RELATIONSHIPS WITH LOCAL MENTAL HEALTH ORGANIZATIONS.—A State or unit of local government that receives funds under this section shall establish and maintain relationships between law enforcement officers and local mental health organizations and health care services.

''(c) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—Of the total amount appropriated to carry out this section for a fiscal year, the Attorney General shall allocate funds to each State in proportion to the total number of law enforcement officers in the State that are employed by the State or a unit of local government within the State, as compared to the total number of law enforcement officers in the United States.

''(2) RETENTION OF FUNDS FOR TRAINING FOR STATE LAW ENFORCEMENT OFFICERS PROPORTIONAL TO NUMBER OF STATE OFFICERS.—Each fiscal year, each State may retain, for use for the purposes described in this section, from the total amount of funds provided to the State under paragraph (1) an amount that is not more than the amount that bears the same ratio to such total amount as the ratio of—

''(A) the total number of law enforcement officers employed by the State; to

''(B) the total number of law enforcement officers in the State that are employed by the State or a unit of local government within the State.

''(3) PROVISION OF FUNDS FOR TRAINING FOR LOCAL LAW ENFORCEMENT OFFICERS.—

''(A) IN GENERAL.—A State shall make available to units of local government in the State for the purposes described in this section the amounts remaining after a State retains funds under paragraph (2).

''(B) ADDITIONAL USES.—A State may, with the approval of a unit of local government, use the funds allocated to the unit of local government under subparagraph (A)—

''(i) to facilitate offering a certified training program or course or, subject to subsection (b)(2), a certified training program or course that provide continuing education in 1 or more of the topics described in section 1701(n)(1)(A) to law enforcement officers employed by the unit of local government; or

''(ii) for the costs of training local law enforcement officers, including through law enforcement training academies of States and units of local government, to conduct a certified training program or course.

''(C) CONSULTATION.—The Attorney General, in consultation with relevant law enforcement agencies of States and units of local government, associations that represent individuals with mental or behavioral health diagnoses or individuals with disabilities, labor organizations, professional law enforcement organizations, local law enforcement labor and representative organizations, law enforcement trade associations, mental health and suicide prevention organizations, family advocacy organizations, and civil rights and civil liberties groups, shall develop criteria governing the allocation of funds to units of local government under this paragraph, which shall ensure that the funds are distributed as widely as practicable in terms of geographical location and to both large and small law enforcement agencies of units of local government.

''(D) ANNOUNCEMENT OF ALLOCATIONS.—Not later than 30 days after the date on which a State receives an award under paragraph (1), the State shall announce the allocations of funds to units of local government under subparagraph (A). A State shall submit to the Attorney General a report explaining any delays in the announcement of allocations under this subparagraph.

''(d) REPORTING.—

''(1) UNITS OF LOCAL GOVERNMENT.—Any unit of local government that receives funds from a State under subsection (c)(3) for a certified training program or course shall submit to the State or the Attorney General an annual report with respect to the first fiscal year during which the unit of local government receives such funds and each of the 2 fiscal years thereafter that—

''(A) shall include the number of law enforcement officers employed by the unit of local government that have completed a certified training program or course, including a certified training program or course provided on or before the date on which the Attorney General begins certifying training programs and courses under section

1701(n)(2), the topics covered in those courses, and the number of officers who received training in each topic;

''(B) may, at the election of the unit of local government, include the number of law enforcement officers employed by the unit of local government that have completed a certified training program or course using funds provided from a source other than the grants described under subsection (b), the topics covered in those courses, and the number of officers who received training in each topic;

''(C) shall include the total number of law enforcement officers employed by the unit of local government;

''(D) shall include a description of any barriers to providing training on the topics described in section 1701(n)(1)(A);

''(E) shall include information gathered through—

''(i) pre-training and post-training tests that assess relevant knowledge and skills covered in the training curricula, as specified in section 1701(n)(1); and

''(ii) follow-up evaluative assessments to determine the degree to which participants in the training apply, in their jobs, the knowledge and skills gained in the training; and

''(F) shall include the amount of funds received by the unit of local government under subsection (c)(3) and a tentative plan for training all law enforcement officers employed by the unit of local government using available and anticipated funds.

''(2) STATES.—A State receiving funds under this section shall submit to the Attorney General—

''(A) any report the State receives from a unit of local government under paragraph (1); and

''(B) if the State retains funds under subsection (c)(2) for a fiscal year, a report by the State for that fiscal year, and each of the 2 fiscal years thereafter—

''(i) indicating the number of law enforcement officers employed by the State that have completed a certified training program or course, including a certified training program or course provided on or before the date on which the Attorney General begins certifying training programs or courses under section 1701(n)(2), the topics covered in those courses, and the number of officers who received training in each topic, including, at the election of the State, a certified training program or course using funds provided from a source other than the grants described under subsection (b);

''(ii) indicating the total number of law enforcement officers employed by the State;

''(iii) providing information gathered through—

''(I) pre-training and post-training tests that assess relevant knowledge and skills covered in the training curricula, as specified in section 1701(n)(1); and

''(II) follow-up evaluative assessments to determine the degree to which participants in the training apply, in their jobs, the knowledge and skills gained in the training;

''(iv) discussing any barriers to providing training on the topics described in section 1701(n)(1)(A); and

''(v) indicating the amount of funding retained by the State under subsection (c)(2) and providing a tentative plan for training all law enforcement officers employed by the State using available and anticipated funds.

''(3) REPORTING TOOLS.—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop a portal through which the data required under paragraphs (1) and (2) may be collected and submitted.

''(4) REPORTS ON THE USE OF DE-ESCALATION TACTICS AND OTHER TECHNIQUES.—

''(A) IN GENERAL.—The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, relevant law enforcement agencies of States and units of local government, associations that represent individuals with mental or behavioral health diagnoses or individuals with disabilities, labor organizations, professional law enforcement organizations, local law enforcement labor and representative organizations, law enforcement trade associations, mental health and suicide prevention organizations, family advocacy organizations, and civil rights and civil liberties groups, shall establish—

''(i) reporting requirements on interactions in which de-escalation tactics and other techniques in curricula developed or identified under section 1701(n)(1) are used by each law enforcement agency that receives funding under this section; and

''(ii) mechanisms for each law enforcement agency to submit such reports to the Department of Justice.

''(B) REPORTING REQUIREMENTS.—The requirements developed under subparagraph (A) shall—

''(i) specify—

''(I) the circumstances under which an interaction shall be reported, considering—

''(aa) the cost of collecting and reporting the information; and

''(bb) the value of that information for determining whether—

''(AA) the objectives of the training have been met; and

''(BB) the training reduced or eliminated the risk of serious physical injury to officers, subjects, and third parties; and

''(II) the demographic and other relevant information about the officer and subjects involved in the interaction that shall be included in such a report; and

''(ii) require such reporting be done in a manner that—

''(I) is in compliance with all applicable Federal and State confidentiality laws; and

''(II) does not disclose the identities of law enforcement officers, subjects, or third parties.

''(C) REVIEW OF REPORTING REQUIREMENTS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Attorney General, in consultation with the entities specified under subparagraph (A), shall review and consider updates to the reporting requirements.

''(5) FAILURE TO REPORT.—

''(A) IN GENERAL.—An entity receiving funds under this section that fails to file a report as required under paragraph (1) or (2), as applicable and as determined by the Attorney General, shall not be eligible to receive funds under this section for a period of 2 fiscal years.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prohibit a State that fails to file a report as required under paragraph (2), and is not eligible to receive funds under this section, from making funding available to a unit of local government of the State under subsection (c)(3), if the unit of local government has complied with the reporting requirements.

''(e) ATTORNEY GENERAL REPORTS.—

''(1) IMPLEMENTATION REPORT.—Not later than 2 years after the date of enactment of this section, and each year thereafter in which grants are made under this section, the Attorney General shall submit a report to Congress on the implementation of activities carried out under this section.

''(2) CONTENTS.—Each report under paragraph (1) shall include, at a minimum, information on—

''(A) the number, amounts, and recipients of awards the Attorney General has made or intends to make using funds authorized under this section;

''(B) the selection criteria the Attorney General has used or intends to use to select recipients of awards using funds authorized under this section;

''(C) the number of law enforcement officers of a State or unit of local government who were not able to receive training on the topics described in section 1701(n)(1)(A) due to unavailability of funds and the amount of funds that would be required to complete the training; and

''(D) the nature, frequency, and amount of information that the Attorney General has collected or intends to collect under subsection (d).

''(3) PRIVACY PROTECTIONS.—A report under paragraph (1) shall not disclose the identities of individual law enforcement officers who received, or did not receive, training under a certified training program or course.

''(f) NATIONAL INSTITUTE OF JUSTICE STUDY.—

''(1) STUDY AND REPORT.—Not later than 2 years after the first grant award using funds authorized under this section, the National Institute of Justice shall conduct a study of the implementation of training under a certified training program or course in at least 6 jurisdictions representing an array of agency sizes and geographic locations, which shall include—

''(A) a process evaluation of training implementation, which shall include an analysis of the share of officers who participated in the training, the degree to which the training was administered in accordance with the curriculum, and the fidelity with which the training was applied in the field; and

''(B) an impact evaluation of the training, which shall include an analysis of the impact of the training on interactions between law enforcement officers and the public, any factors that prevent or preclude law enforcement officers from successfully de-escalating law enforcement interactions, and any recommendations on modifications to the training curricula and methods that could improve outcomes.

''(2) NATIONAL INSTITUTE OF JUSTICE ACCESS TO PORTAL.—For the purposes of preparing the report under paragraph (1), the National Institute of Justice shall have direct access to the portal developed under subsection (d)(3).

''(3) PRIVACY PROTECTIONS.—The study under paragraph (1) shall not disclose the identities of individual law enforcement officers who received, or did not receive, training under a certified training program or course.

''(4) FUNDING.—Not more than 1 percent of the amount appropriated to carry out this section during any fiscal year shall be made available to conduct the study under paragraph (1).

''(g) GAO REPORT.—

''(1) STUDY AND REPORT.—Not later than 3 years after the first grant award using funds authorized under this section, the Comptroller General of the United States shall review the grant program under this section and submit to Congress a report assessing the grant program, including—

''(A) the process for developing and identifying curricula under section 1701(n)(1), including the effectiveness of the consultation by the Attorney General with the agencies, associations, and organizations identified under section 1701(n)(1)(C);

''(B) the certification of training programs and courses under section 1701(n)(2), including the development of the process for certification and its implementation;

''(C) the training of law enforcement personnel under section 1701(n)(3), including the geographic distribution of the agencies that employ the personnel receiving the training and the sizes of those agencies;

''(D) the allocation of funds under subsection (c), including the geographic distribution of the agencies that receive funds and the degree to which both large and small agencies receive funds; and

''(E) the amount of funding distributed to agencies compared with the amount appropriated under this section, the amount spent for training, and whether plans have been put in place by the recipient agencies to use unspent available funds.

''(2) GAO ACCESS TO PORTAL.—For the purposes of preparing the report under paragraph (1), the Comptroller General of the United States shall have direct access to the portal developed under subsection (d)(3).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

''(1) $40,000,000 for fiscal year 2025; and

''(2) $50,000,000 for fiscal year 2026.''.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees.

The gentleman from New York (Mr. NADLER) and the gentleman from Arizona (Mr. BIGGS) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

GENERAL LEAVE

Mr. NADLER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on S. 4003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 4003, the Law Enforcement De-Escalation Training Act of 2022, is bipartisan legislation that would improve training for law enforcement officers, including training on using alternatives to force and deescalation tactics.

This bill was previously brought to the floor under suspension of the rules, but it failed to garner the necessary two-thirds majority support. I was disappointed to see some of my Republican colleagues continue to lead efforts to withhold desperately needed training resources from law enforcement officers.

I am hopeful that my colleagues on the other side of the aisle may have had more time to consider the significance and importance of passing this critical legislation to not only improve policing practices through increased training, but also to make our communities safer by ensuring individuals in crisis receive the help they need.

Law enforcement officers are often the first responders to individuals in crisis. While we have worked to develop and implement non-law enforcement crisis response services, there continues to be a need to train and equip law enforcement officers to deescalate interactions and divert individuals to appropriate mental and behavioral health services.

Additionally, there is a need to provide officers and crisis response teams the tools they need to understand and respond to individuals with disabilities. One study found that disabled individuals make up one-third to one-half of all people killed by law enforcement officers.

Reforms to law enforcement, including de-escalation training, both improve public safety and reduce crime. A study of the Louisville, Kentucky, police department found that de-escalation training reduced use-of-force incidents by 28 percent and community member injuries by 26 percent. Officer injuries were reduced by an even larger margin of 36 percent.

S. 4003 would require the Department of Justice's Office of Community Oriented Policing Services to consult with a broad range of stakeholders in developing the training curriculum, including law enforcement and behavioral health groups, as well as civil rights and civil liberties groups and associations that represent individuals with disabilities.

This bill also requires the National Institute of Justice and the Government Accountability Office to evaluate the implementation of the program and the effect of the training to ensure that the curricula have a tangible impact on law enforcement encounters with people in crisis and to identify possible changes that would further improve outcomes.

This bipartisan bill has broad support from law enforcement, mental health, and community advocacy groups, and would improve public safety by developing and implementing evidence-based de-escalation training for law enforcement officers.

I thank Senator CORNYN for introducing this bill and former Congresswoman Karen Bass for leading the House version of this important legislation.

Mr. Speaker, I urge all of my colleagues to support the bill, and I reserve the balance of my time.

Mr. BIGGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to S. 4003, the Law Enforcement De-Escalation Training Act of 2022, which would duplicate existing programs.

S. 4003 creates a new Federal grant program to provide training for law enforcement officers on de-escalation techniques, participation in crisis intervention teams, making referrals to community-based service providers safely responding to individuals in a behavioral or mental health crisis, and alternatives to use of force.

It requires the Department of Justice to develop training curriculum in collaboration with mental health providers, law enforcement agencies, civil rights organizations, and other stakeholders.

It also authorizes $133 million in new money over the next 4 years with no offsets.

There are several problems with this legislation. First, the COPS Office at the Justice Department currently funds programs that already do what this bill purports to support.

□ 1845

For instance, the COPS Office funds the Community Policing Development De-escalation Training program through two different mechanisms.

Through one mechanism, the COPS Office provides $3 million over the next 2 years for the expansion of a network of regional centers to provide nationally certified de-escalation training opportunities for law enforcement.

The other mechanism, Law Enforcement Agency De-escalation Grants, provides nearly $12 million in grant funding over the next 2 years to support whole agency de-escalation, implicit bias, and duty-to-intervene training efforts.

These programs are appropriated and up and running as we speak tonight.

We should not be creating new programs that are duplicative of current programs without at least examining the efficacy of the currently funded programs.

Second, this legislation represents a departure from traditional law enforcement techniques, one that advances a soft-on-crime approach.

In recent years, these kinds of approaches to fighting crime have been a boon to criminals and have led to our current crime epidemic.

We need to seriously address this crime epidemic, not fund duplicative programs that would keep cops in cars.

Finally, this bill is yet another step in federalizing our local police departments.

The bill imposes onerous reporting requirements that would be created with input from liberal special interest groups which can amount to a backdoor way to defund the police.

Law enforcement organizations that fail to meet rigorous reporting requirements created by input from some organizations that advocated for defunding the police would lose training funding under these programs for 2 years.

Local policing is a function of local government. The Federal Government should not be imposing its will over these departments and expanding its spending program with this bill.

Mr. Speaker, I urge my colleagues to oppose this legislation, and I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CORREA), a distinguished member of the Committee on the Judiciary.

Mr. CORREA. Mr. Speaker, I rise today in strong support of the Law Enforcement De-Escalation Act that will add additional funding for our local police officers. In my local police agencies, they are asking for this funding, they are asking for additional training.

Today, the job of a police officer goes beyond protecting our family. Today, we are asking police officers, protect our families and address mental health issues and address substance abuse issues and address the issue of homelessness. We have watched in horror on television as situations get out of control because police officers are not trained to deal with these issues on a day-to-day basis.

It is time to make a difference. It is time to train our peace officers to do the job that we hired them to do, which is protect our families and to address the local issues, to address the new jobs that we have asked them to take on.

This bill will assure that our peace officers are trained and prepared to handle the situations they encounter on a day-to-day basis.

Mr. Speaker, I urge my colleagues to please support additional funding that our local police officers and local police agencies are asking for.

Mr. BIGGS. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I include in the RECORD letters in support of this legislation from the Louisiana Sheriffs' Association, the Major Cities Chiefs Association, the National Fraternal Order of Police, the American Conservative Union, the American Academy of Social Work and Social Welfare, the American Association for Psychoanalysis and Clinical Social Work, the American Association of Psychiatric Pharmacists, the American Association of Health and Disability, the American Foundation for Suicide Prevention, the American Group Psychotherapy Association, the American Psychiatric Association, the American Psychological Association, the Anxiety and Depression Association of America, the Association for Ambulatory Behavioral Healthcare, the Children and Adults with Attention-Deficit/Hyperactivity Disorder, Depression and Bipolar Support Alliance, the Maternal Mental Health Leadership Alliance, the Meadows Mental Health Policy Institute, NAADAC, the Association for Addiction Professionals, the National Alliance on Mental Illness, the National Alliance to Advance Adolescent Health, the National Association for Children's Behavioral Health, the National Board for Certified Counselors, the National Council for Mental Wellbeing, the National Eating Disorders Association, the National Federation of Families, and National Network of Depression Centers, Catholic Charities USA, Catholic Prison Ministry Coalition, the Committee on Domestic Justice and Human Development, United States Conference of Catholic Bishops, the Center for Public Justice, the Jesuit Conference Office of Justice and Ecology, the National Association of Evangelicals, the National Latino Evangelical Coalition, National Hispanic Christian Leadership Coalition, and the Prison Fellowship.

LOUISIANA SHERIFFS' ASSOCIATION,
Baton Rouge, Louisiana, October 19, 2022.

Hon. STEVE SCALISE,
House of Representatives,
Washington, DC.

DEAR HONORABLE STEVE SCALISE: On behalf of Louisiana's 64 sheriffs and the over 14,000 deputies they serve, I am writing you today to express our strong support for the bi-partisan Law Enforcement De-Escalation Training Act which passed the Senate by Unanimous Consent on August 1, 2022. This legislation seeks to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for training on alternatives to use of force, including de-escalation and mental and behavioral health and suicidal crises training.

As you know, Louisiana currently has a population of approximately 4.52 million people. According to the most recent Substance Abuse and Mental Health Services Administration Behavioral Health Barometer, close to 5.6 percent of adults (253,120) in our state live with serious mental health conditions such as schizophrenia, bipolar disorder, and major depression. During 2017–2019, the annual average prevalence of past-year serious thoughts of suicide was 4.4 percent. Yet, only 39.5 percent of adults with mental illness in Louisiana receive any form of treatment from either the public system or private providers. The remaining 60.5 percent receive no mental health treatment. Furthermore, according to Mental Health America, Louisiana is ranked 35th out of the 50 states and Washington D.C. for providing access to mental health services.

Despite our sheriffs best efforts to train our deputies in incident response that includes deescalation, problem solving, and mental health awareness, we are asking Louisiana's law enforcement community to compensate for an overworked mental and behavioral health system. If we are going to ensure more citizens who are in need of mental healthcare receive such care when they encounter a deputy, we need to ensure our deputies have the tools and training to help facilitate this transition to care. This is why the Law Enforcement De-Escalation Training Act is so important.

For the first time, the Law Enforcement De-Escalation Training Act would provide federal support for Louisiana's sheriff offices to adopt de-escalation training to respond more effectively to people suffering with a mental or behavioral crises. It would require the Attorney General to develop de-escalation training curricula, authorize annual grant funding for training, evaluate implementation to improve trainings and outcomes and foster greater collaboration with community mental and behavioral support centers. The legislation also enjoys the support ofthe National Sheriffs' Association, the Major Country Sheriff's Association, the National Criminal Justice Association along with the National Association for Rural Mental Health, The Anxiety and Depression Association of America, and the Meadows Mental Health Policy Institute.

Senator John Cornyn, one of the lead sponsors of the Law Enforcement De-Escalation Training Act put it best when he stated "We ask law enforcement in our communities to wear too many hats, including that of mental health provider, and they often do not have enough resources or training to provide the level of care individuals in crisis need." With your support, the House of Representatives has an opportunity to fix this, and we hope it can do so before the end of the year.

Thank you for your continued efforts in support of Louisiana's law enforcement community. We look forward to working with you to ensure this critical legislation's enactment.

Sincerely,

MICHAEL RANATZA,
Executive Director.

MAJOR CITIES CHIEFS ASSOCIATION,
April 05, 2022.

Hon. JOHN CORNYN,
U.S. Senate, Washington, DC.
Hon. SHELDON WHITEHOUSE,
U.S. Senate, Washington, DC.

DEAR SENATOR CORNYN AND SENATOR WHITEHOUSE: I am writing on behalf of the Major Cities Chiefs Association (MCCA) to register our support for S. 4003, the Law Enforcement De-Escalation Training Act of 2022. The MCCA is a professional organization of law enforcement executives representing the largest cities in the United States and Canada.

The MCCA is a leader in national policy debates on policing reform and, in January 2021, released a comprehensive report that addressed a number of topics, including training. This report recommended that all law enforcement officers undergo training on de-escalation tactics.

De-escalation training is already a part of many MCCA members' standard training curriculums. Law enforcement training is quite expensive, however, and the Law Enforcement De-Escalation Training Act will provide critical grant funding to help offset the costs associated with de-escalation training. Furthermore, MCCA members will also be able to use these resources for continuing education. which will help further enhance existing de-escalation training programs.

Thank you for your leadership on this issue and your continued support of law enforcement. Please do not hesitate to contact me if the MCCA can be of additional assistance.

Sincerely.

JERI WILLIAMS,
Chief, Phoenix Police Department,
President, Major Cities Chiefs Association.

NATIONAL FRATERNAL ORDER OF POLICE,
Washington, DC, April 8, 2022.

Hon. JOHN CORNYN III,
U.S. Senate, Washington, DC.
Hon. SHELDON WHITEHOUSE,
Washington, DC.

DEAR SENATORS CORNYN AND WHITEHOUSE: I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for S. 4003, the "Law Enforcement De-escalation Training Act."

Law enforcement officers face numerous challenges when responding to threats against public safety, and not all of these threats are necessarily criminal in nature. Police are on the front lines and are often called to deal with individuals experiencing mental illness, substance abuse issues, or similar psychological impairments who may become dangerous to themselves or to the public. Recent studies found that as many as ten percent of all law enforcement encounters involve individuals experiencing these issues. The Substance Abuse and Mental Health Services Administration (SAMHSA) has estimated that over 2 million individuals arrested each year are struggling with a serious mental illness.

Your legislation would address this issue by providing $70 million in annual grant funding from the Edward Byrne Memorial Justice Assistance Grant (Byrne–JAG) to State and local law enforcement agencies to train officers in de-escalation tactics and alternatives to the use of force. The U.S. Department of Justice's Office on Community Oriented Policing Services (COPS), through consultation with State and local law enforcement agencies, would be required to develop a curriculum of relevant training topics, including de-escalation tactics, use of force alternatives, establishing and maintaining crisis intervention teams, as well as how to safely respond to mental and behavioral health crises using public benefits programs, housing assistance programs, and other relevant services. The funding from this bill will be used to cover the cost of training, attendance, overtime fees, and the procurement of certifications. Additionally, the National Institute of Justice (NIJ) and the Government Accountability Office (GAO) would study and evaluate the impacts of the training. This would ensure that the training has a meaningful, tangible impact on law enforcement encounters with individuals in crisis.

The implementation of de-escalation techniques would have a tremendous positive impact on public safety and the relationship between the public and law enforcement officers. Numerous studies have shown that civilians base their perceptions of law enforcement on their last encounter. Providing officers with the skills and training to avoid needless escalation of calls for service enable officers to protect the public more effectively. This improved communication will create a better police force and safer communities.

On behalf of the more than 364,000 members of the Fraternal Order of Police, we thank you both for your leadership on this important issue. If I can provide any additional information about this bill, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, DC office.

Sincerely,

PATRICK YOES,
National President.

AMERICAN CONSERVATIVE UNION,
Alexandria, Virginia, September 29, 2022.

Hon. JERROLD NADLER,
Chairman, House Judiciary Committee,
Washington, DC.
Hon. JIM JORDAN,
Ranking Member, House Judiciary Committee Rayburn HOB
Washington, DC.

DEAR CHAIRMAN NADLER AND RANKING MEMBER JORDAN: The American Conservative Union (''ACU'') is the nation's oldest grassroots advocacy organization. Founded in 1964 by William F. Buckley. we have a 50–plus-year track record of advancing policies that reduce the size and scope of government, advance liberty, and reduce burdens on families. Criminal justice reform, if done properly, fits squarely within this rubric.

ACU also strongly supports law enforcement. We have asked our police officers to do more and more in recent years. Today, our men and women in blue are not only cops putting their lives on the line every day; they also serve as family, marriage and addiction counselors, mental health responders, and social workers, too. As a result, officers have day-to-day interactions with people in crisis, and this often escalates to the point that a use of force is necessary. Deescalation is an important skillset for officer safety as well as for those in crisis when they encounter law enforcement.

Accordingly, we support the efforts of Senators John Cornyn (R–TX) and Sheldon Whitehouse (D–RI) to ensure that funding for de-escalation training is expanded. S. 4003 establishes funding through the Byrne Justice Assistance Grant (''JAG'') program totaling $90 million for two years to help state and local law enforcement obtain de-escalation crisis intervention training. This funding will be targeted to smaller law enforcement departments that would otherwise lack resources for this type of training.

It is notable that the curriculum will leverage the ''train the trainer'' model to allow a significant increase in training opportunities by having officers train their colleagues. Not only is this an efficient use of resources, it helps inculcate the lessons and values of de-escalation in the culture of the departments funded by this program.

Finally, S. 4003 includes strong reporting and evaluation requirements on grants for the Department of Justice, the National Institute of Justice, and the Government Accountability Agency. ACU believes the justice system must be accountable for a wise use of tax dollars, and these requirements will ensure that state and local law enforcement are effectively using their grants to serve their communities well.

We believe S. 4003 would be a prudent use of taxpayer resources and as such, urge you to take this important legislation up as soon as possible. Should S. 4003 come to the floor, we will recommend to our colleagues at our sister organization, the ACU Foundation's Center for Legislative Accountability, to score this bill positively.

Respectfully,

DAVID H. SAFAVIAN,
General Counsel.

August 3, 2022.

Office of Senator JOHN CORNYN,
Hart Senate Office Building,
Washington, DC.
Office of Senator SHELDON WHITEHOUSE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS CORNYN AND WHITEHOUSE: Our faith-based organizations write to urge for broad co-sponsorship among your colleagues and the swift passage of the Law Enforcement De-escalation Training Act of 2022 (S.4003) as it would help police officers better serve vulnerable populations and keep our communities safe. Furthermore, this bill would promote a more restorative justice system that respects the God-given dignity of each person and promote safe communities for both law enforcement officers and residents. The bill would also provide law enforcement officers with the skills and tools needed to respond appropriately to the needs of the communities they protect and serve.

Police officers respond every day to calls for service for men and women grappling with grave mental and behavioral health challenges. However, they are not consistently trained to address these situations effectively. Inadequate training can undermine law enforcement officers' wellbeing and job satisfaction, and increase incidents of excessive use of force that erodes public trust. Policymakers must better equip law enforcement officers with evidence-based training for interactions with people in crisis that fosters community partnership, promotes understanding of mental illness, and prioritizes the lowest level of force necessary to keep communities safe.

Several key provisions position the Law Enforcement De-escalation Training Act (S.4003) to be a catalyst for modernizing American policing. The legislation would create a new federal funding stream to provide training for law enforcement agencies on de-escalation techniques, on participation in crisis intervention teams, on making referrals to community-based service providers, on safely responding to individuals in a behavioral or mental health crisis, and on alternatives to use of force. Furthermore, the bill would advance transparency and accountability to best practices through strong reporting and evaluation requirements from the Department of Justice, National Institute of Justice, and Government Accountability Office. To foster public trust, the Department of Justice will develop training curriculum in collaboration with mental health providers, law enforcement agencies, civil rights organizations, and other stakeholders. The legislation would provide funding for continuing education for law enforcement officers to further refine their knowledge and tactical skills beyond initial training requirements.

We support the passage of the Law Enforcement De-escalation Training Act of 2022 as it would provide law enforcement officers the training needed to carefully respond to the needs of the community in a way that would promote human dignity and strengthen public trust.

Sincerely,

Catholic Charities USA,
Catholic Prison Ministry Coalition,
Committee on Domestic Justice and Human Development, United States Conference of Catholic Bishops,
Center for Public Justice,
Jesuit Conference Office of Justice and Ecology,
National Association of Evangelicals,
National Latino Evangelical Coalition,
National Hispanic Christian Leadership Coalition,
Prison Fellowship.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland (Mr. TRONE), the sponsor of the legislation.

Mr. TRONE. Mr. Speaker, it is clear everybody supports this legislation. All of my police departments, all of my sheriffs, all support this legislation.

I urge my colleagues to pass the Law Enforcement De-Escalation Training Act, a bill I am proud to co-lead with my friend, Los Angeles' new mayor, Karen Bass.

By funding improved training for police calls involving individuals suffering from mental or behavioral health issues, we make our communities safer.

Up to 10 percent of all police encounters involve a person experiencing serious mental health issues.

This bill will equip our officers with skills that better secure the safety of our citizens and our first responders. That is what matters.

De-escalation improves the trust between law enforcement and the community they are sworn to protect. That is what matters.

Building safer communities and protecting lives. That is what matters.

After passing unanimously in the Senate, this effort deserves similar support in the House. I thank Senators CORNYN and WHITEHOUSE, and Representatives BASS, CHABOT, and ISSA for their leadership on this bill.

The SPEAKER pro tempore (Mr. LEVIN of Michigan). The time of the gentleman has expired.

Mr. NADLER. Mr. Speaker, I yield an additional 30 seconds to the gentleman.

Mr. TRONE. Mr. Speaker, it is time we do right by our officers in our community.

Mr. BIGGS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I offer this in closing and continue in our opposition, we have programs that take care of this already, those that are already expending $15 million. This has $130 million-plus, and actually adds federalization of policing that's going to be overseen by Federal agencies and special interests.

Mr. Speaker, I urge my colleagues to oppose this bill, and I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, S. 4003 is bipartisan legislation that would improve training for law enforcement officers, including training using alternatives to force and de-escalation tactics. This training will reduce use-of-force incidents and improve officer and community safety.

It passed the Senate unanimously. The most conservative Republican Senators all voted for it. I read a long list of organizations supporting it. The American Conservative Union is not a group noted for profligate Federal spending.

Mr. Speaker, I urge my colleagues to have some perspective on this bill.

Mr. Speaker, I urge all Members to support it, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1518, the previous question is ordered on the bill.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BIGGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1900

PREVENTING ORGANIZATIONAL CONFLICTS OF INTEREST IN FEDERAL ACQUISITION ACT

Mr. DESAULNIER. Mr. Speaker, pursuant to House Resolution 1518, I call up the bill (S. 3905) to prevent organizational conflicts of interest in Federal acquisition, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1518, the bill is considered read.

The text of the bill is as follows:

S. 3905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preventing Organizational Conflicts of Interest in Federal Acquisition Act''.

SEC. 2. PREVENTING ORGANIZATIONAL CONFLICTS OF INTEREST IN FEDERAL ACQUISITION.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation—

(1) to provide and update—

(A) definitions related to specific types of organizational conflicts of interest, including unequal access to information, impaired objectivity, and biased ground rules;

(B) definitions, guidance, and illustrative examples related to relationships of contractors with public, private, domestic, and foreign entities that may cause contract support to be subject to potential organizational conflicts of interest, including undue influence; and

(C) illustrative examples of situations related to the potential organizational conflicts of interest identified under this paragraph, including an example of the awarding by a Federal regulatory agency of a contract for consulting services to a contractor if employees of the contractor performing work under such contract are permitted by the contractor to simultaneously perform work under a contract for a private sector client under the regulatory purview of such agency;

(2) to provide executive agencies with solicitation provisions and contract clauses to avoid or mitigate organizational conflicts of interest, for agency use as needed, that require contractors to disclose information relevant to potential organizational conflicts of interest and limit future contracting with respect to potential conflicts of interest with the work to be performed under awarded contracts;

(3) to allow executive agencies to tailor such solicitation provisions and contract clauses as necessary to address risks associated with conflicts of interest and other considerations that may be unique to the executive agency;

(4) to require executive agencies—

(A) to establish or update as needed agency conflict of interest procedures to implement the revisions to the Federal Acquisition Regulation made under this section; and

(B) to periodically assess and update such procedures as needed to address agency-specific conflict of interest issues; and

(5) to update the procedures set forth in section 9.506 of the Federal Acquisition Regulation to permit contracting officers to take into consideration professional standards and procedures to prevent organizational conflicts of interest to which an offeror or contractor is subject.

(b) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform or their respective designees.

The gentleman from California (Mr. DESAULNIER) and the gentleman from Pennsylvania (Mr. KELLER) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. DESAULNIER).

General Leave

Mr. DESAULNIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DESAULNIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 3905, the Preventing Organizational Conflicts of Interest in Federal Acquisition Act, which was introduced by Senator GARY PETERS, chairman of the Senate Homeland Security and Governmental Affairs Committee, has strong bipartisan support and passed the Senate this summer with unanimous consent.

In April, we introduced a companion bill, H.R. 7602, following one of the Oversight Committee's investigations, which highlighted the need to strengthen government contracting laws on conflicts of interest.

The committee's investigation found that a consulting contractor advised the Food and Drug Administration at the same time they were advising private-sector clients that were regulated by the FDA. Many times, it was the exact same consultants advising the FDA and private-sector clients on the same issue.

In this case, the consultant failed to follow the rules on disclosing these amazing conflicts, collecting millions of dollars from both the regulator and the private-sector client.

Although this is one extreme example, other organizational conflicts of interest, large and small, occur across government. The Government Accountability Office regularly fields bid protests involving organizational conflicts of interest.

In 2014, a major defense contractor paid a settlement for allegedly failing to disclose conflicts while advising the Nuclear Regulatory Commission.

Organizational conflicts of interest can occur when a contractor's competing interests raise questions about their ability to provide impartial advice to the government. It is crucial that government contractors are providing impartial advice, particularly when the government is paying for their expertise and objectivity on sensitive matters.

The rules on organizational conflicts of interest have not changed significantly since the 1990s. This bill would make long-overdue revisions to strengthen these rules.

The current rules set basic standards to prevent organizational conflicts of interest but leave the details up to individual agencies. The current patchwork system creates the risk of egregious breaches of the public trust.

In 2009, Congress asked for the organizational conflict of interest rules to be reassessed. Draft rules were issued, but the reform effort was eventually abandoned, and the rules were never finalized.

This bill requires the revisions that were then started to be completed. This bill would also mandate that rules on government contractor conflicts are thoroughly revised and ensure that there is a uniform set of standards.

These reforms will help government contractors as well by ensuring clarity and consistency across the executive branch. This is especially beneficial to contractors working for multiple agencies.

It is outrageous that a contractor would be allowed to advise government regulators at the same time they are advising the industry that is being regulated.

If we do not take steps to prevent conflicts of interest, and thereby safeguard the integrity of government decisionmaking and operations, then we risk potentially serious breaches in the public trust.

Mr. Speaker, I strongly support this bill, and I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to S. 3905, the Preventing Organizational Conflicts of Interest in Federal Acquisition Act, for the simple reason that it is unnecessary legislation.

The Federal Acquisition Regulation already contains provisions targeting conflicts of interest. The FAR includes specific examples of what is a conflict of interest. The FAR includes guidance for agencies to add contract clauses addressing conflicts that might arise.

Therefore, it seems we are telling the Federal Acquisition Regulation Council, the body responsible for Federal acquisition policy, to do something it is already doing.

As a result, this legislation will cause the FAR Council to do work it does not need to be doing, but they will surely feel compelled to produce something in the way of new regulations. That means it will become even more difficult for companies to do business with the Federal Government, and it is complicated enough as it is.

There are concerns that companies, especially small businesses, are deciding not to do business with the Federal Government because it is just too complicated.

From a process perspective, Oversight Committee Democrats marked up this bill without any hearings with relevant agency officials to determine if this legislation was truly necessary. My Democrat committee colleagues may point to their report regarding one specific company of concern and argue that was proof enough that we need to legislate in this already crowded space, but a simple case study is not a solid foundation for governmentwide legislation impacting all Federal contractors.

If there are issues with agencies enforcing existing conflicts of interest requirements, then Congress needs to conduct oversight over that Federal Government failure, not rush to pass more duplicative laws. In fact, that would be the responsibility of the Oversight Committee, which I could argue has not been doing proper oversight over the past couple of years.

There may be other anecdotes about conflicts of interest, but let's be clear: No matter what we do, there will always be accusations of conflicts of interest.

Republicans oppose conflicts of interest, but we also support responsible legislating. We also support holding those who are not following the current law or regulation accountable, rather than passing new laws.

With this bill, the most likely outcome is unnecessary work and a more complicated Federal procurement process. It will burden businesses and shrink the pool of eligible contractors, not reduce conflicts of interest.

Mr. Speaker, I urge opposition to this unnecessary, duplicative legislation, and I reserve the balance of my time.

Mr. DESAULNIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will speak briefly on the work we have done on oversight on the opioid crisis, in this case specifically on the role that McKinsey & Company played in, unfortunately, the tragedy that has been the opioid epidemic that led us to introducing this bill for greater oversight.

I will start by saying this is something that, for me, Chairwoman MALONEY and some of my colleagues on both sides expressed a great deal of passion for.

We had hearings on the opioid epidemic and the role of some of these agencies, including requiring the chairman of Johnson & Johnson to come to testify in front of the committee. The committee spent a good deal of time, and I know that there was concern across the aisle, given the devastation that this epidemic has caused.

This particular initiative is directed at some of the things that were the most egregious part of what happened to the American public who suffered under the abuses of the opioid epidemic.

In this case, McKinsey was a contractor for the FDA, Johnson & Johnson, and other people who were making money off of this well-told tragedy of how they were inducing people to be addicted to the drug that was supposed to be relieving their pain.

The contractors play a critical role in supporting the Federal workforce and giving advice to government functions. These are contractors for which this initiative, this bill, would try to make sure the rules were clearer. It would help them, as well.

Taxpayers need to know that work is done ethically and transparently. Unfortunately, loopholes allow contractors, which this initiative, this bill, attempts to close or will close, to advise private-sector clients and the Federal Government at the same time. I think anyone would agree that that is a conflict of interest.

The most notorious example was what I just referred to, this conflict of interest playing out with McKinsey & Company's work on Perdue Pharma's roadmap, in this case, to ''turbocharge'' opioid sales. They were giving them advice on how to turbocharge an addictive drug that was causing devastation across this country.

One of the things that led me into this discussion was, when I was in the legislature in California, two parents separately brought tragic cases of how their kids had lost their lives because of this.

The conflict of interest fueled the opioid crisis that has claimed hundreds of thousands of American lives.

I am grateful and proud of the work that I was able to do with a former chair, Elijah Cummings, who had great passion for this and opening the committee's investigation of Perdue Pharma specifically. I am grateful to current Chair MALONEY for continuing this work.

A vote to pass this bipartisan bill today will send it to the President's desk and will bring much-needed transparency to Federal contracting and help to address some of the things that led to the opioid crisis epidemic in this country.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, despite addressing a valid concern, this legislation is simply unnecessary. Federal contractors are already supposed to provide impartial and objective assistance to Federal clients.

The risks of conflicts of interest are addressed by the Federal Acquisition Regulation. I am confident the American taxpayer and our national interests are already protected in this area of Federal procurement policy.

I know the gentleman mentioned opioids and a drug crisis. That is a concern for all Americans, but so is all the fentanyl that is killing Americans coming across our southern border.

I would hope my colleagues would force the administration to close our southern border and make sure these illegal drugs aren't coming over and killing Americans.

Mr. Speaker, I urge that we oppose this bill, which would burden companies, both large and small, that want to do business with the Federal Government, and I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I feel very strongly about this bill. It is one that came out of a research project that we had on contracting, where we found a major consulting firm was working for the FDA and the manufacturer at the same time. They didn't even have different people. It was the same people working for the FDA on regulation and for the manufacturer, which wanted easy regulations on the product they were putting out—in this case, opioids, which have killed more Americans than any other drug, probably, in history.

I thank my colleagues in the Senate for introducing it and the staff of the

Oversight and Reform Committee for introducing it here in the House.

It is absolutely outrageous. I think it should be a crime, actually, that a contractor would be allowed to advise government regulators and not tell them that, at the same time, they are advising the industry that is benefiting from weaker regulation.

If we do not take steps to prevent conflicts of interest and thereby safeguard the integrity of government decisionmaking and operations, then we risk potentially serious breaches in the public trust.

I think it is even more serious. You risk having unsafe drugs going into the marketplace, which has happened before.

Most government contractors take this responsibility to disclose conflicts of interest seriously, but many do not. It is even the business model of some consulting firms to go after both the regulator and the manufacturer at the same time, and they have repeatedly done it.

These contractors would benefit from uniformity in rules. Right now, they are patchwork. We need uniform rules. We need clear rules, and the clear rules should be that a consulting firm can only work for a regulator but cannot work for the manufacturer, or they can work for the manufacturer but not the regulator. Too often, they are working for the same positions with the same person, believe it or not.

I think that this bill will save lives. It will make our industries fair and safer. It should be bipartisan, as it is in the Senate.

Mr. Speaker, I urge my colleagues to strongly support the bill, and I reserve the balance of my time.

□ 1915

Mr. KELLER. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I would just like to say that it should be—and already is—illegal for people who are providing this guidance and service to misrepresent things under the False Claims Act. So it is our understanding that it is already a crime to do that, and they would be held accountable.

I know the gentlewoman said it should be a crime. It already is, and I don't know anywhere in the bill that it adds to that. So it should be a crime. People should not be doing things inappropriately. But as I mentioned, we already have the FAR that takes care of making sure people are doing the right things.

Mr. Speaker, I urge my colleagues to vote against this unnecessary bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I would say it is a very necessary bill because it is happening. If it is against the law, then the Department of Justice should come in and prosecute people. But they have not, and they are busy prosecuting a lot of other things.

So it is life and death when it comes to healthcare.

We know that the FDA originally wrote rules about the opioids saying they were not addictive. They wrote it right into the regulations: not addictive. They are one of the most addictive drugs of all times. They have caused hundreds of thousands of deaths, and we are spending billions of dollars in treatment trying to save the lives of people who have become addicted when the inscription used to be that it was safe. It was safe.

So there are times when laws are abused. This is not about an individual drug company or an individual contractor or an individual consulting firm. It is about a uniformity of rules. We are looking at legislation. We want to stop that abuse.

In a lot of our investigations the Department of Justice has come in and taken action. Maybe they should in this case, too. But if it is illegal, then it is not being enforced; and it is, I would say, dangerous if we don't make it clear—and ironclad clear—that you cannot work for the regulator and the manufacturer at the same time.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1518, the previous question is ordered on the bill.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

Proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Motion to concur with an amendment on H.R. 1437;

Passage of S. 3905;

Passage of S. 4003; and

Motion to suspend the rules and pass S. 5230.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

PROVIDING RESEARCH AND ESTIMATES OF CHANGES IN PRECIPITATION ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the motion to concur in the Senate amendment on the bill (H.R. 1437) to amend the Weather Research and Forecasting Innovation Act of 2017 to direct the National Oceanic and Atmospheric Administration to provide comprehensive and regularly updated Federal precipitation information, and for other purposes, with an amendment offered by the gentlewoman from Connecticut (Ms. DELAURO), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to concur.

The vote was taken by electronic device, and there were—yeas 224, nays 201, not voting 5, as follows:

[Roll No. 523]

YEAS—224

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Cheney
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fitzpatrick
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (OH)
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Herrera Beutler
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jacobs (NY)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Katko
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kinzinger
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Peltola
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (NY)
Ryan (OH)
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Upton
Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch

Wexton
Wild
Williams (GA)
Wilson (FL)
Womack
Yarmuth

NAYS—201

Aderholt
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cline
Cloud
Clyde
Cole
Comer
Conway
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fleischmann
Flood
Flores
Foxx
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Harris
Harshbarger
Hern
Herrell
Hice (GA)
Higgins (LA)
Hill
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Obernolte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sempolinski
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Yakym
Zeldin

NOT VOTING—5

Hartzler
Hinson
Keating
McKinley
Vargas

□ 2007

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Auchincloss (Beyer)
Axne (Pappas)
Beatty (Neguse)
Boebert (Gaetz)
Brooks (Moore (AL))
Brown (MD) (Evans)
Carter (LA) (Horsford)
Cawthorn (Gaetz)
Cherfilus-McCormick (Brown (OH))
Cicilline (Jayapal)
Clyburn (Butterfield)
DeFazio (Pallone)
DelBene (Schneider)
Dingell (Pappas)
Doyle, Michael F. (Evans)
Dunn (Salazar)
Escobar (Garcia (TX))
Espaillat (Correa)
Ferguson (Gonzales, Tony (TX))
Gibbs (Smucker)
Gosar (Weber (TX))
Herrera Beutler (Owens)
Houlahan (Slotkin)
Hudson (Murphy (NC))
Jacobs (NY) (Sempolinski)
Johnson (TX) (Pallone)
Kelly (IL) (Horsford)
Kim (NJ) (Pallone)
Kirkpatrick (Pallone)
Krishnamoorthi (Pappas)
LaHood (Wenstrup)
Larson (CT) (Pappas)
Lawson (FL) (Evans)
Levin (CA) (Huffman)
Malliotakis (Armstrong)
Maloney, Sean P. (Beyer)
McHenry (Salazar)
Meeks (Horsford)
Moore (WI) (Beyer)
Moulton (Trone)
Newman (Correa)
Norcross (Pallone)
O'Halleran (Pappas)
Ocasio-Cortez (Tlaib)
Palazzo (Fleischmann)
Pascrell (Pallone)
Payne (Pallone)
Porter (Beyer)
Pressley (Neguse)
Rice (SC) (Weber (TX))
Rush (Beyer)
Schrader (Correa)
Sewell (Schneider)
Sherrill (Beyer)
Simpson (Fulcher)
Sires (Pallone)
Stevens (Craig)
Stewart (Owens)
Strickland (Correa)
Tiffany (Fitzgerald)
Titus (Pallone)
Trahan (Lynch)
Welch (Pallone)
Yarmuth (Beyer)

PREVENTING ORGANIZATIONAL CONFLICTS OF INTEREST IN FEDERAL ACQUISITION ACT

The SPEAKER pro tempore (Mrs. PELTOLA). Pursuant to clause 8 of rule XX, the unfinished business is the vote on passage of the bill (S. 3905) to prevent organizational conflicts of interest in Federal acquisition, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 205, not voting 6, as follows:

[Roll No. 524]

YEAS—219

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fitzpatrick
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
García (IL)
Golden
Gomez
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Katko
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Peltola
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (NY)
Ryan (OH)
Salazar
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—205

Aderholt
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cline
Cloud
Clyde
Cole
Comer
Conway
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fleischmann
Flood
Flores
Foxx
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Obernolte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Scalise
Schweikert
Scott, Austin
Sempolinski
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne

Wagner
Walberg
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Yakym
Zeldin

NOT VOTING—6

Cheney
Garcia (TX)
Hinson
Kinzinger
McKinley
Waltz

□ 2019

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. WALTZ. Madam Speaker, had I been present, I would have voted ''nay'' on rollcall No. 524.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Auchincloss (Beyer)
Axne (Pappas)
Beatty (Neguse)
Boebert (Gaetz)
Brooks (Moore (AL))
Brown (MD) (Evans)
Carter (LA) (Horsford)
Cawthorn (Gaetz)
Cherfilus-McCormick (Brown (OH))
Cicilline (Jayapal)
Clyburn (Butterfield)
DeFazio (Pallone)
DelBene (Schneider)
Dingell (Pappas)
Doyle, Michael F. (Evans)
Dunn (Salazar)
Escobar (Garcia (TX))
Espaillat (Correa)
Ferguson (Gonzales, Tony (TX))
Gibbs (Smucker)
Gosar (Weber (TX))
Herrera Beutler (Owens)
Houlahan (Slotkin)
Hudson (Murphy (NC))
Jacobs (NY) (Sempolinski)
Johnson (TX) (Pallone)
Kelly (IL) (Horsford)
Kim (NJ) (Pallone)
Kirkpatrick (Pallone)
Krishnamoorthi (Pappas)
LaHood (Wenstrup)
Larson (CT) (Pappas)
Lawson (FL) (Evans)
Levin (CA) (Huffman)
Malliotakis (Armstrong)
Maloney, Sean P. (Beyer)
McHenry (Salazar)
Meeks (Horsford)
Moore (WI) (Beyer)
Moulton (Trone)
Newman (Correa)
Norcross (Pallone)
O'Halleran (Pappas)
Ocasio-Cortez (Tlaib)
Palazzo (Fleischmann)
Pascrell (Pallone)
Payne (Pallone)
Porter (Beyer)
Pressley (Neguse)
Rice (SC) (Weber (TX))
Rush (Beyer)
Schrader (Correa)
Sewell (Schneider)
Sherrill (Beyer)
Simpson (Fulcher)
Sires (Pallone)
Stevens (Craig)
Stewart (Owens)
Strickland (Correa)
Tiffany (Fitzgerald)
Titus (Pallone)
Trahan (Lynch)
Welch (Pallone)
Yarmuth (Beyer)

LAW ENFORCEMENT DE-ESCALATION TRAINING ACT OF 2022

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on passage of the bill (S. 4003) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for training on alternatives to use of force, de-escalation, and mental and behavioral health and suicidal crises, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 264, nays 162, not voting 4, as follows:

[Roll No. 525]

YEAS—264

Adams
Aguilar
Allred
Auchincloss
Axne
Bacon
Barragán
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bucshon
Budd
Bustos
Butterfield
Calvert
Carbajal
Cárdenas
Carson
Carter (LA)
Carter (TX)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Chabot
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Cole
Connolly
Conway
Cooper
Correa
Costa
Courtney
Craig
Crenshaw
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Davis, Rodney
Dean
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
Diaz-Balart
Dingell
Doggett
Doyle, Michael F.
Ellzey
Escobar
Eshoo
Espaillat
Evans
Fitzpatrick
Fletcher
Flores
Foster
Frankel, Lois
Gallego
Garamendi
Garbarino
García (IL)
Garcia (TX)
Golden
Gomez
Gonzales, Tony
Gonzalez (OH)
Gonzalez, Vicente
Gottheimer
Granger
Graves (LA)
Green, Al (TX)
Griffith
Grijalva
Harder (CA)
Hayes
Herrera Beutler
Higgins (NY)
Hill
Himes
Hollingsworth
Horsford
Houlahan
Hoyer
Huffman
Issa
Jackson Lee
Jacobs (CA)
Jacobs (NY)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Joyce (OH)
Kahele
Kaptur
Katko
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (CA)
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Letlow
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Lucas
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCaul
McCollum
McGovern
McNerney
Meeks
Meijer
Meng
Mfume
Mooney
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newhouse
Newman
Norcross
O'Halleran
Obernolte
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Peltola
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Rice (SC)
Rogers (AL)
Rogers (KY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (NY)
Ryan (OH)
Salazar
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Simpson
Sires
Slotkin
Smith (NJ)
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Steel
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Titus
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Turner
Underwood
Upton
Valadao
Vargas
Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wenstrup
Wexton
Wild
Williams (GA)
Williams (TX)
Wilson (FL)
Womack
Yarmuth

NAYS—162

Aderholt
Allen
Amodei
Armstrong
Arrington
Babin
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Burchett
Burgess
Bush
Cammack
Carey
Carl
Carter (GA)
Cawthorn
Cline
Cloud
Clyde
Comer
Crawford
Curtis
Davidson
DesJarlais
Donalds
Duncan
Dunn
Emmer
Estes
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fleischmann
Flood
Foxx
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Garcia (CA)
Gibbs
Gimenez
Gohmert
Good (VA)
Gooden (TX)
Gosar
Graves (MO)
Green (TN)
Greene (GA)
Grothman
Guest
Guthrie
Harris
Harshbarger
Hartzler
Hern
Herrell
Hice (GA)
Higgins (LA)
Hudson
Huizenga
Jackson
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (PA)
Keller
Kelly (MS)
Kelly (PA)
Kustoff
LaHood
LaMalfa
Latta
LaTurner
Lesko
Long
Loudermilk
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McClain
McClintock
McHenry
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Norman
Ocasio-Cortez
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reschenthaler
Rodgers (WA)
Rose
Rosendale
Rouzer
Roy
Rutherford
Scalise
Schweikert
Scott, Austin
Sempolinski
Sessions
Smith (MO)
Smith (NE)
Smucker
Spartz
Stauber
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Tiffany
Timmons
Tlaib
Van Drew
Van Duyne
Wagner
Walberg
Waltz
Weber (TX)
Webster (FL)
Westerman
Wilson (SC)
Wittman
Yakym
Zeldin

NOT VOTING—4

Cheney
Hinson
Kinzinger
McKinley

□ 2030

Mr. WILLIAMS of Texas changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Auchincloss (Beyer)
Axne (Pappas)
Beatty (Neguse)
Boebert (Gaetz)
Brooks (Moore (AL))
Brown (MD) (Evans)
Carter (LA) (Horsford)
Cawthorn (Gaetz)
Cherfilus-McCormick (Brown (OH))
Cicilline (Jayapal)
Clyburn (Butterfield)
DeFazio (Pallone)
DelBene (Schneider)
Dingell (Pappas)
Doyle, Michael F. (Evans)
Dunn (Salazar)
Escobar (Garcia (TX))
Espaillat (Correa)
Ferguson (Gonzales, Tony (TX))
Gibbs (Smucker)
Gosar (Weber (TX))
Herrera Beutler (Owens)
Houlahan (Slotkin)
Hudson (Murphy (NC))
Jacobs (NY) (Sempolinski)
Johnson (TX) (Pallone)
Kelly (IL) (Horsford)
Kim (NJ) (Pallone)
Kirkpatrick (Pallone)
Krishnamoorthi (Pappas)
LaHood (Wenstrup)
Larson (CT) (Pappas)
Lawson (FL) (Evans)
Levin (CA) (Huffman)
Malliotakis (Armstrong)
Maloney, Sean P. (Beyer)
McHenry (Salazar)
Meeks (Horsford)
Moore (WI) (Beyer)
Moulton (Trone)
Newman (Correa)
Norcross (Pallone)
O'Halleran (Pappas)
Ocasio-Cortez (Tlaib)
Palazzo (Fleischmann)
Pascrell (Pallone)
Payne (Pallone)
Porter (Beyer)
Pressley (Neguse)
Rice (SC) (Weber (TX))
Rush (Beyer)
Schrader (Correa)
Sewell (Schneider)
Sherrill (Beyer)
Simpson (Fulcher)
Sires (Pallone)
Stevens (Craig)
Stewart (Owens)
Strickland (Correa)
Tiffany (Fitzgerald)
Titus (Pallone)
Trahan (Lynch)
Welch (Pallone)
Yarmuth (Beyer)

HELP FIND THE MISSING ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 5230) to increase accessibility to the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 4, not voting 4, as follows:

[Roll No. 526]

YEAS—422

Adams
Aderholt
Aguilar
Allen
Allred
Amodei
Armstrong
Arrington
Auchincloss
Axne
Babin
Bacon
Baird
Balderson
Banks
Barr
Barragán
Beatty
Bentz
Bera
Bergman
Beyer
Bice (OK)
Biggs
Bilirakis
Bishop (GA)
Bishop (NC)
Blumenauer
Blunt Rochester
Boebert
Bonamici
Bost
Bourdeaux
Bowman
Boyle, Brendan F.
Brady
Brown (MD)
Brown (OH)
Brownley
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Bush
Bustos
Butterfield
Calvert
Cammack
Carbajal
Cárdenas
Carey
Carl
Carson
Carter (GA)
Carter (LA)
Carter (TX)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Cawthorn
Chabot
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Cline
Cloud
Clyburn
Clyde
Cohen
Cole
Comer
Connolly
Conway
Cooper
Correa
Costa
Courtney
Craig
Crawford
Crenshaw
Crow
Cuellar
Curtis
Davids (KS)
Davidson
Davis, Danny K.
Davis, Rodney
Dean
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
DesJarlais
Diaz-Balart
Dingell
Doggett
Donalds
Doyle, Michael F.
Duncan
Dunn
Ellzey
Emmer
Escobar
Eshoo
Espaillat
Estes
Evans
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Fletcher
Flood
Flores
Foster
Foxx
Frankel, Lois
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Gallego
Garamendi
Garbarino
Garcia (CA)
García (IL)
Garcia (TX)
Gibbs
Gimenez
Gohmert
Golden
Gomez
Gonzales, Tony
Gonzalez (OH)
Gonzalez, Vicente
Good (VA)
Gooden (TX)
Gosar
Gottheimer
Granger
Graves (LA)
Graves (MO)
Green (TN)
Green, Al (TX)
Greene (GA)
Griffith
Grijalva
Grothman
Guest
Guthrie
Harder (CA)
Harris
Harshbarger
Hartzler
Hayes
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (NY)
Hill
Himes
Hollingsworth
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Hudson
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Huizenga
Issa
Jackson
Jackson Lee
Jacobs (CA)
Jacobs (NY)
Jayapal
Jeffries
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Johnson (TX)
Jones
Jordan
Joyce (OH)
Joyce (PA)
Kahele
Kaptur
Katko
Keating
Keller
Kelly (IL)
Kelly (MS)
Kelly (PA)
Khanna
Kildee
Kilmer
Kim (CA)
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Kustoff
LaHood
LaMalfa
Lamb
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latta
LaTurner
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Lesko
Letlow
Levin (CA)
Levin (MI)
Lieu
Lofgren
Long
Loudermilk
Lowenthal
Lucas
Luetkemeyer
Luria
Lynch
Mace
Malinowski
Malliotakis
Maloney, Carolyn B.
Maloney, Sean
Mann
Manning
Mast
Matsui
McBath
McCarthy
McCaul
McClain
McClintock
McCollum
McGovern
McHenry
McNerney
Meeks
Meijer
Meng
Meuser
Mfume
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Moore (WI)
Morelle
Moulton
Mrvan
Mullin
Murphy (FL)
Murphy (NC)
Nadler
Napolitano
Neal
Neguse
Nehls
Newhouse
Newman
Norcross
O'Halleran
Obernolte
Ocasio-Cortez
Omar
Owens
Palazzo
Pallone
Palmer
Panetta
Pappas
Pascrell
Payne
Peltola
Pence
Perlmutter
Perry
Peters
Pfluger
Phillips
Pingree
Pocan
Porter
Posey
Pressley
Price (NC)
Quigley
Raskin
Reschenthaler
Rice (NY)
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Ross
Rouzer
Roy
Roybal-Allard
Ruiz
Ruppersberger
Rush
Rutherford
Ryan (NY)
Ryan (OH)
Salazar
Sánchez
Sarbanes
Scalise
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sempolinski
Sessions
Sewell
Sherman
Sherrill
Simpson
Sires
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Soto
Spanberger
Spartz
Speier
Stansbury
Stanton
Stauber
Steel
Stefanik
Steil
Steube
Stevens
Stewart
Strickland
Suozzi
Swalwell
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiffany
Timmons
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Turner
Underwood
Upton
Valadao
Van Drew
Van Duyne
Vargas
Veasey
Velázquez
Wagner
Walberg
Waltz
Wasserman Schultz
Waters
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Wexton
Wild
Williams (GA)
Williams (TX)
Wilson (FL)
Wilson (SC)
Wittman
Womack
Yakym
Yarmuth
Zeldin

NAYS—4

Brooks
Higgins (LA)
Massie
Norman

NOT VOTING—4

Cheney
Hinson
Kinzinger
McKinley

□ 2041

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Auchincloss (Beyer)
Axne (Pappas)
Beatty (Neguse)
Boebert (Gaetz)
Brooks (Moore (AL))
Brown (MD) (Evans)
Carter (LA) (Horsford)
Cawthorn (Gaetz)
Cherfilus-McCormick (Brown (OH))
Cicilline (Jayapal)
Clyburn (Butterfield)
DeFazio (Pallone)
DelBene (Schneider)
Dingell (Pappas)
Doyle, Michael F. (Evans)
Dunn (Salazar)
Escobar (Garcia (TX))
Espaillat (Correa)
Ferguson (Gonzales, Tony (TX))
Gibbs (Smucker)
Gosar (Weber (TX))
Herrera Beutler (Owens)
Houlahan (Slotkin)
Hudson (Murphy (NC))
Jacobs (NY) (Sempolinski)
Johnson (TX) (Pallone)
Kelly (IL) (Horsford)
Kim (NJ) (Pallone)
Kirkpatrick (Pallone)
Krishnamoorthi (Pappas)
LaHood (Wenstrup)
Larson (CT) (Pappas)
Lawson (FL) (Evans)
Levin (CA) (Huffman)
Malliotakis (Armstrong)
Maloney, Sean P. (Beyer)
McHenry (Salazar)
Meeks (Horsford)
Moore (WI) (Beyer)
Moulton (Trone)
Newman (Correa)
Norcross (Pallone)
O'Halleran (Pappas)
Ocasio-Cortez (Tlaib)
Palazzo (Fleischmann)
Pascrell (Pallone)
Payne (Pallone)
Porter (Beyer)
Pressley (Neguse)
Rice (SC) (Weber (TX))
Rush (Beyer)
Schrader (Correa)
Sewell (Schneider)
Sherrill (Beyer)
Simpson (Fulcher)
Sires (Pallone)
Stevens (Craig)
Stewart (Owens)
Strickland (Correa)
Tiffany (Fitzgerald)
Titus (Pallone)
Trahan (Lynch)
Welch (Pallone)
Yarmuth (Beyer)

□ 2045

MAKING ENERGY PROGRESS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Madam Speaker, this week, gas prices in Toledo, Ohio, fell to $2.87 a gallon. Am I the only person in Congress noticing gas prices are falling? Hello?

The best part is that this gasoline is derived from energy reserves that are brought up from the Utica and Marcellus shale located right in Ohio near the border with Pennsylvania and West Virginia. This means transport costs to market are less. How about that?

What America produces and makes, produces and makes America. Powering our Nation from inside our country means importing less.

Just yesterday, the Department of Energy made a historic announcement about the achievement of fusion ignition at Livermore National Laboratory.

America is making great strides to unleash the future of energy. When America innovates, she is able to stand on her own two feet.

Inside our borders, we must secure energy independence and good-paying jobs through distributed generation, solar, fusion, hydrogen, biofuels, advanced nuclear, and more.

Energy security is national security. Let's keep working to make our country energy secure with the good jobs that go with it, both for today and the tomorrows to come.

Onward, energy progress.

CONGRATULATING INDIANA AREA HIGH SCHOOL MATH TEAM

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to recognize the Indiana Area High School math team, which recently attended the 36th Annual Benjamin Freed High School Mathematics Competition at PennWest University Clarion on November 3.

Out of the 213 students who attended, Indiana High School won first place overall in the team category, and five students from Indiana High School individually placed in the statewide competition: Chloe Williams, Luca Cosentino, Gabe Kenning, Ethan Coleman, and James Mill.

The math team is coached by Dr. Scott Layden and consists of advanced math students from the Indiana junior and senior high schools.

The team plans to continue training and attend future competitions at universities across the State and across the country.

Madam Speaker, please join me in congratulating these fine young students on their outstanding accomplishment and their commitment to science and mathematics.

As a senior member of the House Education and Labor Committee and a longtime advocate for young people in STEM, I take pride in seeing our students adopt a love of math that will take them far in their careers and their lives.

MOURNING THE PASSING OF DR. TERRY YAMAUCHI

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Madam Speaker, I rise to mourn the loss of my good friend, Dr. Terry Yamauchi, who passed away last month.

As a young boy growing up during the Second World War, he and his mother were interned at a Japanese relocation camp in Idaho.

Following this, he and his family moved frequently for his father's career, including a 2-year stint in Japan while his father was a U.S. Treasury representative.

Dr. Yamauchi graduated from the University of Oregon Medical School in 1967 and completed his post-doctoral training at the UCLA School of Medicine.

After a few years at UCLA, the doctor joined UAMS, the University of Arkansas Medical School, and Arkansas Children's Hospital, where he practiced for over 40 years.

Throughout his distinguished career, he authored over 300 medical papers and book chapters over pediatric and infectious disease. He served as the director of the Department of Human Services for Governor Bill Clinton.

Terry's service to our community will not be forgotten. My prayers are with his wife of 55 years, Alison, his children, and grandchildren.

TIME TO PASS CRUCIAL LEGISLATION

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Madam Speaker, in this season of greetings and well-wishes for holidays for Americans, I do wish them a very special holiday season in all the ways that we, as Americans, will celebrate this holiday.

We know that it is a season of giving and good cheer as we finish our collective work to be able to fund the government, to keep the doors open, and to help the services of those who need them to continue.

I also think it is important to say that we have crucial legislation that should be passed. We cannot leave without passing voting rights. We cannot leave with gifting to the American people oppressive voting laws to stop them from voting, that purge the voting rolls. We cannot leave without real human trafficking legislation that protects our children at schools.

The No Trafficking Zones Act is in the Senate, the other body, and it has to be passed. It is a pathway of protecting children and families feeling safe when their children go to schools, that predators will not be able to actually recruit children for human trafficking right at the school and even online.

Madam Speaker, I give good greetings, but this legislation has to pass, voting rights and the No Trafficking Zones Act.

JOYS AND CONCERNS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2021, the gentleman from Texas (Mr. ELLZEY) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. ELLZEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the topic of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ELLZEY. Madam Speaker, thanks for sticking around.

In July, I addressed the House floor with my version of a speech my childhood pastor would give every Sunday called ''Joys and Concerns.'' During this, he would highlight some of the remarkable things that members of the church were doing and some of their many accomplishments. He would also take this time to bring up prayer requests to unite as a congregation and to pray for our community and those in need.

During my last speech, I followed his example, and I was able to bring attention to dozens of outstanding people living in Tarrant, Ellis, and Navarro Counties.

I also asked those in this Chamber and across our Nation to join in prayer to help many who were struggling.

Since that day, of course, a lot has happened, and my office has sent out hundreds of recognition letters across my district. Many constituents have written to my office to express their own joy or concern.

So, today, I come before the House of Representatives to, once again, follow in my pastor's footsteps and do my own version of ''Joys and Concerns.''

I think it is only fitting to start with those who give so much to us each and every day. October 28 is the day we set aside each year to celebrate and thank our first responders.

My district, District 6 of Texas, has 20 police departments, 13 fire departments, and 3 sheriff's offices, currently. In the new district, it will go to nine sheriff's offices.

Life as we know it would not be possible without the dedication that the brave men and women who serve in these departments exhibit each day.

It would take hours to list off each officer who serves us, and while I do not have time to do that today, nor would anybody want me to, I want to take a moment and recognize the leaders of each department.

Thank you to Chief Joe Wiser from Waxahachie, Carl Smith from Midlothian, Garland Wolf from Red Oak PD, Chief Dustin Munn from Ennis PD, John Thacker from Maypearl, Chief Tracy Aaron from Mansfield, Chief Scott McAuley from Italy, Chief Jesus Mancillas from Ferris, Chief Chris Amos from Milford, Chief John Zaidle from Palmer, Chief T.C. Lawhon from Blooming Grove, Chief Robert Johnson from Corsicana, Chief Scott Sykora from Dawson, Chief Charles Parson from Rice, Chief Daniel Scesney from Grand Prairie, Chief Roy Ivey from Kerens, Chief Al Jones from Arlington, Sheriff Brad Norman from Ellis County, Sheriff Elmer Tanner from Navarro County, Chief Bill Waybourn from Tarrant County, Chief Ricky Boyd from Waxahachie Fire, Chief Dale McCaskill from Midlothian Fire, Chief Ben Blanton from Red Oak, Chief Bill Evans from Ennis Fire, Chief Michael Ross from Mansfield Fire, Chief Jackie Cate from Italy Fire, Chief Brian Horton from Ferris Fire, Chief Mark Jackson from Milford Fire, Chief Kevin Rhoades from Palmer Fire, Chief Mike Ryan from Corsicana Fire, Chief Robert Fite from Grand Prairie Fire, Chief Don Crowson from Arlington Fire, and Chief Brandon Kennedy from the Ovilla Fire Department.

You all go above the call each and every day, and it is my honor to recognize you.

I also acknowledge the 30 applicants from Texas' Sixth Congressional District who want to serve in our Nation's military academies. It is an extreme honor as a 1992 Naval Academy graduate to pick the future generation of leaders for this country, both in the military and perhaps in statesmanship.

These men and women raised their hands and said, ''I am here. Send me,'' and I recognize them here: Lucy Ballard from Mansfield Legacy, Alexander Brough from Mansfield High, Jacob Brown from Mansfield Lake Ridge, Marshall Cloyd from St. Stephen's Episcopal, Michael Cook from Mansfield High, Austin Garcia from Midlothian High, Shania Grant from iSchool Virtual Academy of Texas, Reid Griffin from James W. Martin High, Joseph Gutierrez from Ennis High, Julia Helsel from Arlington High, Brett Hoelscher from Arlington High, Jared Howell from Mansfield Legacy, Alexander Huh from Lake Braddock Secondary, Hieu Huynh from Arlington Bowie, Brian Larson from Nolan Catholic High, Ezra Lee from James W. Martin High, Noah Loughlin from Mansfield Lake Ridge High, Giovanni Mancuso from Midlothian High, Caitlyn New from Palmer High, Asher Nguyen from James W. Martin High, Ricardo Olivares, Jr. from Flower Mound High, Austin Palacios from Arlington Lamar High, Troy Roberts, Jr. from All Saints Episcopal School, Madison Rodriguez from James W. Martin High School, Audrey Rowe from Nolan Catholic High, Bahij Said from Kennedale High, Orion Villarreal from Jesuit Dallas College Prep, Justin Walker from Kennedale High, and Rylan Woodward from Broadneck High.

These are all exceptional young men and women, and I want the American people to know, especially the people of Texas' Sixth District, that the future of our country is safe with young men and women like these.

Next, I recognize members of our community that have gone above and beyond.

James Reed, congratulations on being awarded Firefighter of the Year by the Corsicana Fire Rescue Department for 2022. Thank you for your sacrifices and for keeping our community safe.

Detective Sergeant Travis Thurston, congratulations on being awarded Corsicana Kiwanis Deputy of the Year for 2022. This award is a tribute to your courageous and selfless acts as a law enforcement officer.

This honor is well deserved, as you have shown exemplary contributions to law enforcement over the past year. Thank you for your service and for keeping our community safe.

□ 2100

Mattie Thayne: Congratulations on recently obtaining your Eagle Scout badge. The commitment, tenacity, integrity, and work ethic that are required to achieve the Boy Scouts of America's highest rank are invaluable qualities.

Keith Moore: Congratulations on being inducted into the Navarro College Athletics Hall of Fame in 2022. Your hard work and dedication during the 1989 football season earned you and your teammates the first-ever NJCAA Team Championship for Navarro College. The effort that you put in to achieve a perfect 10–0 season is more than impressive, and I commend you on this distinguished award.

Joe Wiser: Congratulations on being named the new police chief in Waxahachie starting in October. This is such a vital liaison between the police department and the community. The citizens of Waxahachie are fortunate to have you with your leadership experience and familiarity with the area.

Jacen Stanford: Congratulations on your recent enlistment and the opportunities this brings for your future. You have taken a great oath, and with that comes great responsibility. Thank you for your willingness and commitment to serve in the United States Army and your noble desire to protect this great Nation and the men and women you stand beside. Godspeed, Jason.

Sandy Faussett-Stoops: Congratulations on the achievement of 900 career wins as a girls high school volleyball head coach. The many hours of practice and determination are reflected by your success on and off the court. There have been many exceptional volleyball players who have come through your program, and I know you have been very proud of all of them.

Dana Compton: Congratulations on being awarded Civilian of the Year by the Mansfield ISD Police Department. This honor recognizes your commitment to the community that will leave a lasting impact for many years to come. Leaders provide the structure and organization that others aspire to have. I know that your work in our community as a police dispatcher will inspire others to exhibit the same leadership qualities that have enabled you to become successful and a great citizen.

Officer Robert ''Sandy'' Blunck: Congratulations on being awarded Officer of the Year from Mansfield ISD Police Department for 2022. This award is a tribute to your sacrifice and courageous acts as a law enforcement officer. Thank you for your sacrifice and for keeping our community safe.

Brek Bradshaw: Congratulations on winning a book writing contest to have your book ''Chicken Bot and the Golden Egg'' published. I am pleased to hear about the talented young students in our community who commit time and dedication to leaving such a positive impact in their city for many years to come. We are truly blessed to have such an artistic and intelligent student represent Waxahachie ISD so well.

Charles Bush: Congratulations on being awarded Firefighter of the Year by the Navarro County Volunteer Firefighters Association for 2022. This award is a tribute to your courageous and selfless acts as a firefighter and first responder. Thank you for your sacrifice and for keeping our community safe.

Barbara Kelley: Congratulations on your retirement from being a distinguished police telecommunicator for DART and the Navarro County Sheriff's Office. The people of Navarro County greatly appreciate your years of service, and you will be missed tremendously. It is an honor to recognize you for your 35 years of public service in law enforcement. Your outstanding performance has helped strengthen the relationship between public officials and community members. Your hard work and dedication have inspired others to lead and follow your exceptional example. The numerous contributions you have made to this community will have a lasting impact for many years to come.

Madam Speaker, at this time I yield to the gentlewoman from North Carolina (Ms. FOXX.)

Ms. FOXX. Madam Speaker, I thank my colleague for yielding.

Madam Speaker, employee-sponsored coverage is the bedrock of our healthcare system, and it is under attack by President Biden and the Democratic Party.

Despite its name, the Affordable Care Act did nothing to make healthcare coverage more affordable. In fact, it did the opposite. Health coverage is now more expensive than ever.

In 2008, before the passage of ObamaCare, the average annual premium for a family was $12,680. Today, it is $22,460. To make matters worse, experts say that 2022 is the calm before the storm, and employers are bracing for drastic cost increases in 2023 due to inflation, health worker staff shortages, and supply chain issues.

It is imperative that Congress address the affordability, transparency, and accessibility of healthcare. I have said this repeatedly: I will not stand by while the Federal Government burdens Americans with heavy-handed policies.

Now Democrats are using their self-made affordability crisis to move all Americans to Medicare for All. The Biden administration has continued its march towards total government control by illegally expanding ObamaCare subsidies. Expanding ObamaCare and its unfettered spending continues to drive inflation, adds billions of dollars to the Federal deficit, and makes health insurance less affordable.

Despite the pandemic being over, President Biden has also failed to end the COVID–19 Public Health Emergency, PHE, prolonging Americans' dependence on the Federal Government.

The American people deserve to know the Biden administration's plans to wind down the PHE and transition the procurement and distribution of

COVID–19 vaccines, therapeutics, and testing to the commercial market quickly.

Furthermore, it is imperative that we continue to protect access to telehealth as part of this off-ramp plan. The COVID–19 pandemic revealed that virtual visits can fill glaring gaps in healthcare access nationwide.

Congress allowed coverage for pre-deductible virtual visits for the duration of the PHE. Around 90 percent of high deductible health plans took advantage of that provision this year, up from approximately 80 percent in 2021 and 60 percent in April 2020. This is clear proof that Americans need and are making use of increased access to telehealth.

President Biden and Democrats may not have a plan to address these critical issues, but Republicans do. For the past year, House Republicans have worked to create the Commitment to America which includes policies to strengthen employer-sponsored coverage by increasing competition in the healthcare market, promoting price transparency, and lowering health coverage costs.

Republicans also have plans to help employers lower costs by expanding access to association health plans and tax-advantaged health savings accounts. We plan to remove barriers that currently prevent employers from participating in advanced payment initiatives.

We will reduce the administrative burden on business owners created by outdated ObamaCare paperwork mandates, and we will promote policies that transfer control of health spending back to the patient.

We must shed the layers of bureaucracy blocking Americans from understanding the true cost of their care. This includes codifying the Trump administration's price transparency rule and building on the price transparency provision in the No Surprises Act.

Time and time again, the Biden administration has failed to make the best use of taxpayer dollars. Democrats champion the idea of ''health for all'' and ''universal coverage,'' but they seriously fail to consider the adverse impact their policies have on inflation, costs, access, and quality.

By contrast, Republicans will build on the bedrock of our healthcare system—employer-sponsored coverage. We are committed to making employer-sponsored healthcare and the healthcare market more affordable, transparent, and competitive.

Madam Speaker, I thank Mr. ELLZEY for giving me the opportunity.

Mr. ELLZEY. It is a pleasure.

Madam Speaker, continuing on with the folks whom we were talking about earlier:

I would like to recognize and congratulate Charles ''Chuck'' Beatty.

I congratulate you on having the new city hall annex in Waxahachie named after you. Your outstanding leadership and service to Waxahachie is greatly appreciated. You are a role model to your community, and I commend you on your willingness to serve and your dedication to our community.

Zane Petty: Congratulations on being drafted by the Milwaukee Brewers in the 2022 MLB draft. Your hard work and dedication during this past baseball season have earned you a spot as one of the top DFW area athletes. I know you will be successful in your time in Major League Baseball, and I look forward to watching you play soon.

Mary Crowell: Congratulations on being awarded Volunteer of the Year for the Baylor, Scott & White Hospital Ladies Auxiliary for 2022. This award is a tribute to your courageous and selfless acts volunteering in healthcare and the exemplary contributions you have shown to the hospital over the past several months. Over the course of this year, you have served as a role model for many in the Ellis County area. Your many hours of service have strengthened the bonds and trust that have brought people together over the past year.

Calvin Simpson-Hunt: Congratulations on being named to the All-American Bowl for football this year. Your combination of character and athletic ability has allowed you to earn such an incredible honor that is well-deserved.

Danny Combs: Thank you for helping to start and continue the Kerens Veterans Memorial and Museum. The selflessness of veterans like yourself who answered our Nation's call to serve defines the true character of your generation. We continue to remain indebted to all those who have worn the uniform and sacrificed their all for our beloved freedom.

Brian and Jeanie Harding: Thank you for volunteering with other members of Midway Hills Christian Church and Refugee Services of Texas-Dallas, to set up a complete apartment for refugee families from the Democratic Republic of the Congo and from Honduras in May, September, and November.

□ 2110

Lisa West: I want to congratulate you on your retirement from Corsicana ISD after 36 years. Lisa has served children of all ages in the public education sector and special education. Thank you for your years of service to our community.

I also want to recognize today an American hero, Lieutenant Commander Richard Charles Dawson, better known as Dick. Just last month I had the opportunity to present the Bronze Star Medal with Combat V to Lieutenant Commander Dawson. What many may not know is that this Bronze Star is the third highest that our military can award to a servicemember. Any time this award is given, it is a tremendous honor. But his was even more special because Lieutenant Commander Dawson served our Nation in combat operations against our enemies in Vietnam from April 1967 through March 1968. First of all, welcome home, sir.

This past April, Dick received a most unusual phone call. He was told that Captain David Brown, his former commanding officer of Coastal Division 11 was in the process of moving his home. Captain Brown had discovered the original documentation supporting Dick's nomination for the Bronze Star with Combat V.

Captain Brown then realized that the Department of the Navy had not received the original package sent 54 years ago. After an investigation, Captain Brown organized a small team to help correct this oversight.

The paperwork was resubmitted and approved. It was an honor to be a part of the ceremony. It proved that bipartisanship is alive and well in Washington, D.C., and that we put America first, and we take care of those who have taken care of us. Thank you, sir, for all you have done for your country.

As an aside, I thank the Secretary of the Navy, Carlos Del Toro, for approving this award, it was well-deserved, and thank you for your timeliness on it.

These are just a few examples of some outstanding people living in Texas' Sixth District. So when you think that there is no hope in this country, know that there is. There are good people like this everywhere across our country, I am just talking about the folks in the Sixth District, and it is my privilege to honor them on the House floor.

Every Sunday, after the joys would, of course, come the concerns, and there was never a shortage because everyone knew in Matthew, he says, ''When two or three are gathered in My name, I am in the midst of them.'' And at times like these, everybody is in need in some way or somehow, especially during the Christmas season.

I will start with a concern from Katherine Bongfeldt. She asks that we all pray for the safety of our allies who are still in Afghanistan. That those brave men and women who helped when we needed it most are protected and safe during these uncertain times in their country—and I sure hope we get them out.

I ask that you keep the Estes, Williams, and Tribbles families in our prayers, for they have all lost a loved one. Anyone who has lost a mother, father, brother, or sister knows how challenging these times can be, especially during the holidays.

Mary from Ennis, Texas, would like us to keep an open door during this holiday season. Many out there do not have a place to call home or a family to have dinner with. Thank you, Mary.

Please pray for the family of Officer Brandon Tsai. Officer Tsai from Grand Prairie Police Department was killed in a collision last month while pursuing a driver fleeing a traffic stop.

On October 16, Coach Cliff White from Midlothian High School lost his battle with cancer and Midlothian lost a pillar of their community. Coach White was more than a coach to his students, he was a mentor. Even during his hardest days, you would find him at every sporting event cheering on his teams. You will be missed, Coach.

I ask that you keep all Americans in your prayers. Keep joy in your hearts, hope in man, and faith in God.

Next, I want to talk about somebody that many of us in Washington know well.

On February 23, 1945, Hershel ''Woody'' Williams made history and was presented our Nation's highest military honor for his inspirational leadership and action in Iwo Jima; that is the Medal of Honor.

On July 3, 2022, Woody once again made history by being the first enlisted man to ever be ''Lain in Honor'' here in our Nation's Capitol.

Even in death, Woody served his country, for his funeral gave all Americans the opportunity to salute the 16 million men and women who served in our Armed Forces during the Second World War.

In the 246-year history our country, no enlisted man had ever lain in honor under the dome of our Capitol. On July 3, American history was changed for the better.

There are few things that can change this world more than a powerful child's idea—or a powerful idea from a powerful child. In 2014, 7-year-old Rabel Josephine McNutt was preparing to attend her godfather's, Medal of Honor recipient, Walter Ehlers' funeral. Moved by what she saw, she turned to her father, Bill, and said: Daddy, let's get them to do a big funeral in Washington, D.C., for Uncle Walter's friends.

So, Rabel and Bill got to work. The idea became a national cause with volunteer efforts conducted in all 50 States; Sixteen State legislatures passed resolutions, 15 congressional delegations wrote letters of support, 11 State Governors wrote to the White House, and the America Legion unanimously supported the mission at their 100th convention.

Today, 35 million American families claim a parent, grandparent, or close relative who fought in World War II. Make no mistake, they are the reason we enjoy our freedoms today. The courage, devotion, and faith that brought us through World War II's perils are exemplified by the State funeral for these American heroes.

To the 16 million men and women who gave their lives or sacrificed in some way so we can be here today, thank you and God bless. I would ask that in the future every Medal of Honor recipient that is still alive, that they get to lay in honor in the rotunda.

Next, I want to recognize a man that has spent his entire life in service to his community. Chief Wade Goolsby has spent the last 42 years in law enforcement and September 30 he said he was finally done.

Chief Goolsby may call Waxahachie PD home now, but Waxahachie is not the only department that has changed for the better.

He started his career with the Arlington Police Department where he worked patrol, investigations, and professional standards. After being promoted to sergeant, he served in leadership roles at the Coppell Police Department, the Southlake Police Department, and the Seguin Police Department before he landed home as the chief of police for Waxahachie where he has been for the last 7 years.

If you ask the chief what the best part of his job is, without a doubt he will say catching the bad guys, and over his 42 years of service he did that a lot.

I have known Wade for the last 7 years, and I can honestly say that the Waxahachie Police Department would not be where it is now without his leadership. I know his goal was to leave every department he worked at in a better place than when he started, and he did. You did it, my friend.

I, and the people of Waxahachie thank you for your years of dedication and service and for keeping our community save.

I wish both you and Sheryl a very happy retirement—whatever that looks likes. I know you will succeed in your next goal of having the best-looking yard.

As I said before, my district had 30 applicants of young men and women eager to serve in our Nation's military academies. I had the opportunity to sit down and meet each of them a few weeks ago. If anybody is worried about the direction of our country, or if we will have strong leaders in the coming years, don't be.

I would like you to meet my applicants. I promise you after meeting them, by listening to their essays, you will be filled with hope for our country. I want to take some time to read to you why these applicants want to serve in our Nation's military, why they believe in our country, and why they are hopeful for our future.

I asked each of these candidates to write one, and after I read them, I was particularly touched by several of them. I was touched by all of them, but here are a few that I would like to present to you today.

First is Michael Cook's, and these are his words:

An education through a service academy is right for me because I aspire to academically challenge myself, develop essential skills for any environment I may encounter, enhance my leadership ability, and most importantly, gain the essential preparation to ultimately serve and protect the United States of America.

All of the academies offer a one-of-a-kind experience academically, especially in the STEM fields, something that pairs well with my desire to study mechanical engineering, or a field closely related to it.

Each academy offers a vast array of resources through state-of-the-art labs and equipment; in addition, access to high-level and experienced professors to ensure that each cadet acquires the necessary skills to excel in engineering.

Most importantly, the academies offer a real-world and critical application for all labs and experiences.

I have no doubt that access to these resources will allow me to become the best academic version of myself and position me to excel in any STEM-based career.

Of equal importance to me is the dedication each academy has to developing capable leaders in today's world. By attending a service academy, I believe my leadership skills will progress exponentially.

Since participation in some form of sports is a requirement, all students will learn valuable lessons through teamwork and encounter opportunities to lead in some fashion.

I know the coaches at the academy can use these lessons to instill more refined leadership capabilities which will translate into a career as an officer.

The academy's rigor and plethora of experiences are key in developing leaders, as I would be exposed to various scenarios encountered in the military, thus further equipping me to lead others.

A service academy education is about more than a superior experience academically; it uniquely pairs that with preparing cadets to be officers and serve the United States of America. Each academy offers a tough military regiment to simulate military life.

Programs such as SERE, the survival escape program, parachutist programs, flight programs, sea year, and countless other programs enhance the capabilities of cadets as they see firsthand what it takes to be excellent leaders in the United States of America's military.

In my service, I want to be a combat rescue officer or pilot. Through these extensive programs offered, I will develop unique and tangible skills necessary to execute missions as a pilot.

Ultimately, any service academy, through the academic rigor, leadership opportunities, and countless programs, will develop me into the best version of myself and allow me to serve our great Nation to the best of my ability.

□ 2120

The next is applicant Asher Nguyen.

From computer coding to aviation warfare, the military academies are prestige organizations that dedicate their assets to train cadets, ultimately contributing to the welfare of our Nation.

I want to attend a military academy because I explored what it takes to be an officer and I believe that I possess both the leadership qualities and selflessness to pursue a military career.

Leadership is a key trait to serving in the military. Taking initiative actions to guide companions is necessary to pursue success. As the senior class president and as someone who has taken many initiative roles in school clubs, I have gained experience as a leader and a team player.

From effectively heading a STEM leadership conference of 300-plus students and earning the title of ''Compelled'' in football by leading with my actions, I learned to carry out leadership responsibilities in school, which correlates to carrying out responsibilities in the military.

Participating in leadership opportunities opened the gates and inspired me to guide those around me. Serving in the Armed Forces would allow me to further cultivate my teamwork and leadership skills, as well as help others.

The opportunity to serve in the military would also allow me to return the favor it did for my family.

This is the important part that I want to express to you.

My father escaped the horrors of the Vietnam war at the age of 9. His boat was stranded. However, a naval ship appeared and saved my father's family. This incident was instilled into my father's core memory, which inspired him to serve in the military.

My father does play a small role in my inspiration to attend and serve in the military. However, the main reason I would like to serve is to help other families the way my family was aided.

Being granted the opportunity to help others the same way my father was helped is a dream of mine. No matter the role in the military, every action contributes to the welfare of our country.

Serving in the military would not only allow me to return the favor as it has done for my family but ultimately serve the people that define the United States of America.

Through physical fitness, educational opportunities, and teamwork cooperation, I believe the military academies are the best route to helping others and cultivating leadership, ultimately contributing to our country's welfare and serving others.

I think that is just fantastic.

The next is from Jacob Brown.

Attending a service academy is the ideal pathway to achieving my goal of becoming a military officer. I believe the service academy's overall experiences and benefits far outweigh those of any traditional college.

I am excited to continue leadership and disciplined learning at a service academy needed for the foundation of a future military officer. I attended a summer aviation program in Virginia in 2015, at the age of 10, which introduced me to aviation.

I later joined the Civil Air Patrol in 2017 after my father retired from the United States Secret Service and my family relocated to Texas. Through the Civil Air Patrol, I have experienced several military functions, such as staying on military bases for summer encampment and leadership schools over the past 5 years.

The experience I gained from attending leadership schools such as Senior Noncommissioned Officer Academy, Officer Training School, and Cadet Command Staff College has helped me advance to the rank of cadet colonel.

As the current cadet commander at my squadron, I have had the opportunity to develop my leadership abilities through conducting weekly drills and promotion review boards. The Civil Air Patrol exposed me to the wonderful opportunity of the military. Therefore, I have chosen a career path to become an officer in the U.S. military.

Together, these experiences over the last 5 years have provided a sound foundation that I believe has equipped me to succeed in a service academy and future career in the military. I was accepted last summer to an 8-week-long flight school in New Bern, North Carolina.

There, I completed my solo flight, solo cross country, and long solo cross country. I only have a couple of hours left to take my check ride for my private pilot license. What makes me a unique candidate for a nomination to the military academy is the level of commitment and dedication I demonstrated in setting and accomplishing goals.

For example, I began setting long-term goals when I was 6 years old with the 3-year program to successfully achieve my black belt in tae kwon do. While I was motivated when I started the program in 2011, at age 6, after a year and a half, I faced a wall and wanted to stop and start another sport.

Ultimately, through the leadership of my father, I developed the invaluable trait of perseverance. Since that early period in my life, I have used that lesson about the power of commitment and dedication to overcome other walls toward my goals.

Through commitment and dedication, I accomplished the Civil Air Patrol's highest cadet achievement and promotion to cadet colonel with the successful completion of the General Carl A. Spaatz Award, which less than 1 percent of all cadets in the Civil Air Patrol achieve.

I believe my experiences, training, and overall preparedness through leadership and development in the Civil Air Patrol have enhanced my level of commitment needed to persevere through a military academy and as an officer in the military after graduation.

Next is Ezra Lee.

Since the beginning, the United States has always needed great leaders. To that end, military academies have been a critical component in producing such leaders. The position that the academies graduates put them in a place where they have the ability to make an impact.

I want to attend a military academy because of the extraordinary leadership, character-building, and academic education it will provide to make me the best version of myself to serve my country and my endeavors.

Attending an academy will allow me to be a part of something bigger than myself by surrounding myself with the same motivations, ambitions, and dedication.

Many people consider college to be a time of growth, bonding, and change. While these are important, some will desire more, like the desire to truly test themselves and push beyond what they thought was imaginable.

While spending time at UTA through my dual-credit program, I have found myself wanting more than the traditional college experience.

Learning about how hard the academies push cadets through their detailed scheduling, pressure, and rigorous academics, I have found them to be the perfect place to fill what I could not find in a traditional college.

The academies' physical, academic, and mental toughness turn many away, but this is why I want to attend. I want to be put in an environment in which I can truly test myself in order to become the best version of myself to help others and make an impact.

Throughout my life, I have had the privilege of being a part of many communities, such as church, school, and orchestra. I have developed an appreciation for what strong communities provide.

A strong community such as my church has given me my faith and has provided me with countless people who have changed my life. Seeing those who have developed strong character has given me a desire to pursue it.

School has provided me with friends and teachers who have cared for me and given me a desire to learn.

Orchestra has provided me with an environment that has pushed me and allowed me to understand teamwork.

Attending a military academy is the best option for me because this is where the aspects of what I appreciate the most from these communities, faith, care, teamwork, and connection, come together in one place.

Additionally, it would allow me to give back to others in these communities by serving. Ultimately, I want to attend a military academy to be challenged and pushed in a way that allows me to not only serve this country but also to emerge as a leader and the most optimal version of myself. This is what I desire to do most for the next decade of my life, and I know that this decision will be one I never regret.

Next applicant is Brett Hoelscher.

For as far as back as I can remember, I have wanted to be a pilot. And although passenger jets are interesting, I have only ever aspired to become a military aviator.

My uncle, a graduate of the Air Force Academy and a former F–16 pilot and test pilot, always shared his larger-than-life tales with me as a kid and encouraged me to dream big.

So, I did. I realized very quickly that my long-term goal was to earn a degree in aerospace engineering and use that degree plus flight experience as an aviator or Air Force pilot to become the chief test pilot at NASA or Lockheed Martin.

In addition, I realized how competitive applying and attending a service academy would be, but I was excited. I knew that the competitive nature of these academies would only serve to better prepare me for my future in military service and in a civilian career.

So far in my application process, I have gotten to meet some of the brightest, kindest, most encouraging, and most honest people I have ever met.

Through a service academy, I will forge friendships through hardship and laughter that will last a lifetime, and I will be able to learn from some of the best professors and mentors this country has to offer.

At a service academy, I will be able to surround myself with motivated, hardworking, detail-oriented men and women who share my passion and drive to succeed at everything I do.

Through military training, I will better understand how to lead under intense pressure, how to work within a group, and how to be supremely confident yet humble in my actions.

Through a service academy, I will develop as a young man, and I will be able to realize my dreams at a place few can say they have graduated from. I know I will not quit if given an opportunity to attend a service academy, and I can only hope that through this application you can see my drive to succeed at a service academy.

□ 2130

Two more.

Next is applicant Bahij Said.

Being born in the United States and having lived abroad in the Middle East for several years, I have developed a deep respect for the freedoms Americans enjoy.

My father, who traveled to the United States to seek a better future, and my mother, who studied criminology and criminal justice in hopes to improve our Nation, instilled the conservative and patriotic values that ignited my passion to serve this great country.

After traveling to over 35 countries, including Iran, Saudi Arabia, and Afghanistan, I have had the unique opportunity to see the extent other countries are willing to confirm to in order to harm our Nation.

From openly protesting against the United States to spreading perverted religious ideology that directly impacts U.S. citizens, the passionate hate that these individuals have for our country left me astounded.

The more I witnessed these hateful acts, the more I began researching and reading about recent historical events and actions that inspired so many of these individuals.

I read over 80 books on topics including the war on terrorism in Iraq and Afghanistan, the history of radical jihadists, the use of enhanced interrogation techniques on detainees, and the collection and analyzation of intelligence from high-risk areas in the Middle East in order to develop a deeper understanding of the complex situation.

As I got older, I began questioning what I could do in order to make a difference.

After speaking with numerous individuals, both in the government intelligence and military intelligence community, I decided that I would like to work in the field of intelligence as well.

The decision made sense for a number of reasons, which included my trilingual capabilities in Arabic, Pashto, and Persian, my ability to integrate myself in high-risk environments, and my cultural and political understanding of enemy countries, which are all valuable assets that I would like to utilize in defense for our Nation.

Since higher education is a goal of mine, the service academies stood out as excellent options since they not only provided me with a world-class education but also the tools, training, and environment in order to defend and protect our country.

In addition to offering a challenging setting, the faculty at the service academies are highly distinguished in their areas of expertise and incorporate years of experience within their academic lessons, a characteristic not found at other educational institutions in the United States.

The academies also provide areas to discuss and store classified material, a necessity for somebody wanting to branch into intelligence.

My top service academy option is the Naval Academy since I attended the Naval Academy Summer Seminar and fell in love with the unique history and environment of the academy.

The students and instructors that I met while attending the summer seminar were all high-achieving, highly-motivated individuals who were all passionate about serving their country.

Moreover, the students and instructors at the Naval Academy are an excellent reflection of the overall category of individuals who attend other service academies, individuals who demonstrate both intelligence and athleticism and are drawn toward service and duty.

As a Muslim and Middle Easterner, an underrepresented minority in the United States military, it would be a great honor to be selected to attend a service academy. I look forward to serving my country by taking the first steps as a midshipman.

That young man was 18.

Finally, applicant Marshall Cloyd:

I would like to attend a service academy because of my desire to incorporate a sense of purpose in my undergraduate experience and for the tangible career opportunities afforded at a service academy. Furthermore, I believe that the ideals of democracy and personal freedom our country stands for are something worth protecting.

In Europe, South Korea, and many other places, our Armed Forces are the only reason there is peace and justice. The possibility and purpose of serving as a part of this important cause enthralls me.

Another thing I noticed while touring multiple service academies was the visible sense of comradery amongst the cadets. The bond I witnessed while visiting was something I value deeply in my personal life and wish to feel at whatever workplace or academic institution I attend.

Military academies also develop you as a person in a way that a traditional civilian school doesn't. For one, everyone who graduates from a service academy is trained into being a leader and goes on to develop said leadership skills after graduation.

Military academies are also known for being academically rigorous and competitive places filled with driven and purposeful people. I value this sort of culture within my current academic life and wish to continue it into my undergraduate years.

I also respect the emphasis placed on physical prowess present at military academies. I want a career that requires a standard for physical fitness, as it is something both missing from and deeply needed by American society.

It is indeed an honor and a difficult choice to have to choose from these incredible young men and women from the Sixth District of Texas. I realize that every district in this country has young men and women just like that. No matter what you see on mass media about the demise of our country and the downfall, our brightest days are yet ahead.

Ecclesiastes 1:9 says: There is nothing new under the Sun.

Let's have a bright outlook toward the future, especially at this time.

I thank the people behind us who work so hard and so long, so many hours, and especially the stenographers for all their hard work and for everything that they do. It is a pleasure and honor to be working with them.

Madam Speaker, I yield back the balance of my time.

UKRAINIAN ACCOUNTABILITY AND FUNDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2021, the Chair recognizes the gentleman from Arkansas (Mr. HILL) until 10 p.m.

Mr. HILL. Mr. Speaker, I, too, thank my friend from Texas for his inspirational recitations of these outstanding young people who seek an appointment to the military academy. There is no more optimistic and positive aspect of being a Member of Congress than making those appointments. I thank him for his service.

I also want to echo our thanks from both sides of the aisle to the Chaplain, the Clerk of the House, the Sergeant at Arms, the minority and majority cloakrooms, and our brave stenographers who sit here for hours taking down every inspirational word. We thank them for their service in this Congress.

Madam Speaker, in October, as the first frost touched Ukraine, Vladimir Putin turned 70 years old. That week, Russian chess champion and activist Garry Kasparov spoke at Westminster College in Fulton, Missouri, the scene of Churchill's famous ''Iron Curtain'' speech. Garry Kasparov declared: Thirty years of making concessions that were intended to keep the peace have only postponed the war.

Appeasement, Madam Speaker, never works. Kasparov went on to say: The price of stopping a dictator always goes up. It may seem expensive today, but it is only going to be more tomorrow.

It is critically important that we build a consensus to support the Ukrainian people and their government in their valiant efforts to reject Putin's rapacious invading Army.

This illegal invasion and Putin's wanton war crimes have been rejected by the world. This is evidenced by votes in the General Assembly of the United Nations and the ejection of Russia from the U.N. Human Rights Council. It is evidenced by Sweden and Finland petitioning to join NATO. It has been evidenced by a global coalition of nations supporting the Ukrainian people with humanitarian assistance and military aid.

But in order to maintain and enhance that global coalition of citizens and their elected representatives, it is critical that we provide a great deal more information and oversight to that humanitarian and military assistance. Only together can we help Ukraine eject the bully and free its people.

I support the idea of a special inspector general to oversee U.S. military and humanitarian assistance, coordinating with the very active and existing inspector general programs at the Department of Defense and Department of State. This is common sense. American taxpayers need to ensure full transparency and accountability for our financial support.

Likewise, in my view, the Biden administration has done a poor job explaining to Congress the over 100 billion euros in support of Ukraine from all the countries of the world, including the United States. That is, they should provide Congress detailed assessments of what funding has been provided to Ukraine, both military and humanitarian, from the European Commission, individual member states of the European Union, and other nations from around the world, such as our great friend and ally, Japan.

It is important for us, in assessing our own contributions to freedom in Ukraine, to assess and encourage our friends, allies, and partners to do as much as they can, maybe more, and as effectively as possible. We are all in the boat pulling mightily in the same direction, but we need that detail and transparency.

Madam Speaker, in that regard, I was reflecting on my prior government service as a Treasury Department official during the administration of George H. W. Bush.

On August 1, 1990, Iraq was invaded by Kuwait and within 12 hours was in full control of that country.

President Bush denounced the invasion and stated clear and effective principles: First, to seek the immediate, unconditional, and complete withdrawal of all Iraqi forces from Kuwait; next, to restore Kuwait's legitimate government; and, finally, to remain committed to the security and stability of the Persian Gulf region.

Backed by a Security Council resolution at the U.N., the Bush administration set about to carry out those objectives.

It is important to note the extraordinary leadership of then Secretary of State Jim Baker, Secretary of Treasury Nick Brady, Deputy Secretary of State Larry Eagleburger, and the Undersecretary of Treasury David Mulford. They all worked as a team and built an extraordinary coalition to raise the financing for this global effort to stop Saddam Hussein and his illegal invasion.

□ 2140

U.S. forces ultimately deployed over 600,000 military personnel alongside more than 200,000 troops from our allies. Secretaries Baker and Brady and their teams visited selected countries and developed the financial resources to effectively fund Kuwait's liberation. More than 90 percent, Madam Speaker, of the United States' incremental costs were reimbursed by our allies. This work was inspirational then and now.

I call on Secretary of State Tony Blinken and Secretary of the Treasury Yellen to craft an active and effective campaign to globally bring forward even more diverse, comprehensive financial resources to support Ukraine and their valiant fight to inject the invader.

This campaign will be essential to see the financial burden shared widely among all peace-loving countries of the world.

THE FEDERAL RESERVE AND PRICE STABILITY

Mr. HILL. Madam Speaker, as inflation continues to wreak havoc on the wallets of our hardworking families, I rise today to urge the Federal Reserve to stay the course and win the fight against this insidious inflation.

Our economy is in this troubling situation of coping with a four-decade high in prices due to three core reasons:

First, the Biden administration's wasteful spending, pouring an avalanche of loose money into an economy struggling with getting folks back to work and supply chain woes.

Madam Speaker, our fiscal 2023 spending is running 25 percent greater than just before the pandemic; 25 percent more on an annual basis. If you include all President Biden's new spending spree, it is running $1.3 trillion higher per year.

I wish Chairman Powell back in 2021 had agreed with former Treasury Secretary Larry Summers and opposed this massive, unfunded fiscal stimulus.

Next, the Biden administration's war on energy and employment has made it harder to get people back to work and harder to find and produce the badly needed oil and gas, get it out of the ground and on its way to heat our homes, fuel our communities, and support our allies in Europe.

Finally, the Federal Reserve itself kept interest rates too low for too long while also purchasing trillions of dollars in government securities. Now the Fed is left playing catch-up in the hopes of beating inflation in the short run without damaging our economy in the long run.

Madam Speaker, I have a better approach. Earlier this year, alongside the gentleman from Florida (Mr. DONALDS), my friend and colleague, I introduced H.R. 7209, the Price Stability Act. This legislation would ensure that our central bank focuses exclusively on its principal mandate of price stability.

This bill repeals the 1970s so-called dual mandate whereby the Fed is conflicted, supposedly focused on price stability but also maintaining a growing economy. Madam Speaker, the legislative branch and the executive branch should have that responsibility for policies that promote economic growth and a well-trained workforce with more job opportunities. The Fed should focus exclusively on price stability.

Now, I welcome the Federal Reserve's current efforts to mitigate inflation, and I urge Chairman Powell and his colleagues to avoid distraction and ensure their efforts are successful. Inflation is a thief, and it hurts our hardworking families, our seniors, and those on fixed incomes. It is vital that the Federal Reserve focus on containing inflation and steer clear of economic policy fads.

RECOGNIZING ARKANSAS GOVERNOR ASA HUTCHINSON

Mr. HILL. Madam Speaker, I rise today to thank Governor Asa Hutchinson and recognize his accomplishments as the 46th Governor of my home State of Arkansas.

Governor Hutchinson began his career in service when President Ronald Reagan appointed him to the position of U.S. attorney for the Western District of Arkansas. Afterwards, he went on to serve three successful terms in this Chamber, representing the fine citizens of Arkansas' Third Congressional District.

During his third term in Congress, President George W. Bush appointed him as Director of the Drug Enforcement Administration and later as an Under Secretary in the newly created Department of Homeland Security.

Governor Hutchinson has been instrumental in aiding our families by cutting taxes by over $250 million and signing into law legislation that exempts the retirement pay of veterans from State income tax.

Governor Hutchinson has been a great advocate toward enhancing computer science education in our State. His leadership led Arkansas to be the first State in the Nation to pass legislation requiring every public school to teach computer science courses. This has further encouraged our students to pursue pathways and become innovators.

He has also served as an advocate for our Little Rock Venture Center, entrepreneurship, and enhancing venture and startup ecosystems across our State.

During his time as Governor, he has enhanced Arkansas' reputation as a business-friendly State, which has attracted companies to make the Natural State their latest location and existing companies to expand their business, creating more career opportunities for our citizens.

Over the past 8 years, the Governor and I have partnered on many projects that have benefited the constituents of the Second District of Arkansas.

Governor, I am grateful for your steady hand during the COVID–19 pandemic and for your dedication to our State. Governor Hutchinson is a true public servant who worked every day to make our State a better place. Asa, your leadership will be missed, and your hard work not forgotten. Martha and I send our very best wishes to you and Susan for that next chapter.

CONGRESS MUST WORK TO LIMIT AGGRESSION BY COUNTRIES

Mr. HILL. Madam Speaker, as we enter the final weeks of the 117th Congress, it is important that we acknowledge the work that we have done as a body to limit the financial capabilities of Russia's illegal war in Ukraine.

Earlier this year, I introduced H.R. 6899, the Russia and Belarus SDR Exchange Prohibition Act, which passed with bipartisan support in both the House and the Senate, and was signed into law by President Biden in October.

This bill closes a loophole around Western sanctions by freezing Russia and Belarus out of future International Monetary Fund financing by preventing them from using special drawing rights, known as SDRs, to fund their nefarious activities: The war in Ukraine.

We must stay vigilant of the aggressive tendencies of other nations, such as Russia and Belarus, and make sure they are not able to pledge or transfer, that is, cash in those SDRs to fund their terror.

It is important that we continue to work together in the new Congress to make sure that aggression is not rewarded and that we are working to limit the financial capabilities of countries who demonstrate their aggression toward another sovereign nation.

HALTING THE SPREAD OF CAPTAGON

Mr. HILL. Madam Speaker, I rise to applaud the inclusion of the CAPTAGON Act in the 2023 National Defense Authorization Act. The production and sale of the dangerous narcotic Captagon is being used as a major revenue source, fueling the regime and the war machine of Bashar al-Assad in Syria.

It is this illicit activity that has allowed them to ignore U.S. sanctions and continue to oppress the people of Syria and export terror.

By using an interagency task force, including the Department of Defense and the Drug Enforcement Administration, our CAPTAGON Act will design a strategy to be able to disrupt and dismantle the trafficking networks that are fueling terror in Syria and across the region.

While both the State Department and the White House have failed to include Syria in their list of major illicit drug-producing countries for FY 2023, I applaud this Congress for taking this key step in making sure more illegal drugs are not able to make it through Europe, through the Middle East, or even into the United States by working toward halting the spread of Captagon around the world.

□ 2150

RETIREMENT WISHES FOR WALTER HUSSMAN, JR.

Mr. HILL. Madam Speaker, I stand today to recognize the outstanding career of Walter Hussman, Jr., the publisher of the Arkansas Democrat-Gazette.

Recently, Walter announced that he will retire from the publication at the end of 2022.

Walter's career began with him placing comics in the Camden News for 25 cents an hour all the way to restructuring the Arkansas Democrat, buying the Arkansas Gazette and crafting the State's largest newspaper, the Arkansas Democrat-Gazette.

Over his career as a publisher, he oversaw many changes, including bringing the Democrat-Gazette into the digital age, for which he was recognized with national attention.

During his announcement of retirement, Walter shared that it is time now for the next generation.

Walter is an example of the American Dream, how hard work and dedication to your craft can lead to a long, prosperous career.

Congratulations, Mr. Hussman, on your outstanding career, your evidence as a mentor and a role model, and I wish you a well-deserved retirement.

NIGERIA COUNTRY OF PARTICULAR CONCERN

Mr. HILL. Madam Speaker, I rise today to urge the President and our Secretary of State to rectify their mistake of not designating Nigeria as a Country of Particular Concern as it relates to religious liberty.

Having the ability to practice religion without fear is one of our most basic principles needed to create a strong and stable nation.

Under the International Religious Freedom Act of 1998, the President is required to review the status of religious freedom in every country of the world. Any country that is seen to have consistently and violently violating their citizens' religious freedom must be labeled a Country of Particular Concern.

Over the last 2 years, Nigeria is a nation which hits every troubled benchmark listed in this act. And yet, Madam Speaker, it has been left off the list.

Over the past 2 years, violence targeted against Christians has steadily increased. So labeling Nigeria as a Country of Particular Concern is a vital step in working toward stability in Nigeria, better partnerships with the United States, and a step toward international religious liberty for all.

CONGRATULATING LESLEE TELL—FULBRIGHT FELLOWSHIP AWARD

Mr. HILL. Madam Speaker, I rise today to recognize Leslee Tell, of Conway High School, who has recently been awarded a Fulbright Fellowship for the spring of 2023.

Mrs. Tell has taught in Conway schools since 2006 where she originally taught students home economics, eventually moving on to her current subject, a broader one, family consumer sciences.

The Fulbright Distinguished Awards in Teaching Research Program offers educators the opportunity to teach abroad for a semester. In just a few months, Mrs. Tell will be on her way to Vietnam where she will be teaching home economics at a local public high school.

I visited with Leslee and her colleagues, and she is so excited about this opportunity, not only the impact on her but her impact on those students. I look forward to learning about her journey, the positive impact that she will make and what she learns from those kids in her class.

Congratulations, Leslee. We look forward to following your time in Vietnam and sharing your success.

CRISIS AT THE BORDER

Mr. HILL. Madam Speaker, as we end this calendar year, I rise once again to bring attention to the crisis at our southwest border.

In 2022, over 2 million migrants were encountered at our southwest border; the highest number in American history.

Just 2 months ago, there were over 230,000 migrant encounters at our border. On top of this number, it is estimated that roughly 64,000 illegal immigrants evaded apprehension in October, and 70,000 evaded in November.

For over a year and a half now, there have been over 150,000 illegal border crossings each month. Those numbers are higher than ever.

Madam Speaker, 98 individuals on the Terrorist Screening Database were apprehended at the southern border; more than the last 5 years combined.

Over the last 2 years, the Biden administration has repeatedly repealed effective Trump-era policies that kept our border and our Nation more secure. Despite claims from Secretary Mayorkas saying otherwise, the Biden administration does not have operational control over our border.

During a recent visit to Arizona, President Biden claimed that there were ''more important'' things to do than visit the southern border.

Madam Speaker, the President is in Arizona. What is more important than a morale-boosting visit to our men and women at Customs and Border Patrol?

What is more important than keeping our border secure?

Well, apparently, the President's 49 trips to Delaware, or maybe the President's 8 trips to go get ice cream were more important.

Madam Speaker, I urge this President to take a trip to our southwest border, see for himself, meet with our agents working on the border, and see the reality of the crisis that his administration has created.

OPIOID CRISIS IMPACTING AMERICA

Mr. HILL. Madam Speaker, I rise today to recognize the opioid crisis impacting all Americans. Opioids, such as illicit fentanyl, are flooding across our open borders and sweeping across our Nation and into every town and city.

In fiscal year 2022, 14,700 pounds of illicit fentanyl were confiscated at our southern border. How much came across that wasn't confiscated?

Over 75,000 Americans lost their lives last year to opioid overdoses, many of them accidental. To help combat this, I introduced the Preventing Overdoses and Saving Lives Act this year, alongside my friend and colleague, Representative DEBBIE DINGELL of Michigan.

This legislation was inspired by my home State of Arkansas, which currently encourages prescribers of opioids to also co-prescribe an opioid overdose reversal medication, such as naloxone.

This summer, that legislation passed the House in a bipartisan mental health package.

Madam Speaker, I am hopeful my colleagues in the Senate will work to move this valuable piece of legislation forward because the data is clear—co-prescribing helps save lives.

Madam Speaker, I yield back the balance of my time.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 1 of House Resolution 1230, the House stands adjourned until 9 a.m. tomorrow.

Thereupon (at 9 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 15, 2022, at 9 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GRIJALVA: Committee on Natural Resources. H.R. 6611. A bill to authorize the Embassy of France in Washington, DC, to establish a commemorative work in the District of Columbia and its environs to honor the extraordinary contributions of Jean Monnet to restoring peace between European nations and establishing the European Union, and for other purposes (Rept. 117–625, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 160. A bill to reauthorize the Coral Reef Conservation Act of 2000 and to establish the United States Coral Reef Task Force, and for other purposes; with an amendment (Rept. 117–626). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 920. A bill to amend the Act entitled ''Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes'' to provide for inclusion of additional related sites in the National Park System, and for other purposes; with amendments (Rept. 117–627). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 1503. A bill to amend the Mineral Leasing Act to make certain adjustments in leasing on Federal lands for oil and gas drilling, and for other purposes; with an amendment (Rept. 117–628, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 1505. A bill to amend the Mineral Leasing Act to make certain adjustments to the regulation of surface-disturbing activities and to protect taxpayers from unduly bearing the reclamation costs of oil and gas development, and for other purposes; with an amendment (Rept. 117–629). Referred to the Committee of the Whole House on the state of the Union.

Mr. DESAULNIER: Committee on Rules. House Resolution 1518. Resolution providing for consideration of the bill (H.R. 1948) to amend title 38, United States Code, to modify authorities relating to the collective bargaining of employees in the Veterans Health Administration; providing for consideration of the bill (S. 3905) to prevent organizational conflicts of interest in Federal acquisition, and for other purposes; providing for consideration of the bill (S. 4003) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for training on alternatives to use of force, de-escalation, and mental and behavioral health and suicidal crises; providing for the consideration of the Senate amendment to the bill (H.R. 1437) to amend the Weather Research and Forecasting Innovation Act of 2017 to direct the National Oceanic and Atmospheric Administration to provide comprehensive and regularly updated Federal precipitation information, and for other purposes; relating to consideration of the Senate amendments to the bill (H.R. 2617) to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes; and for other purposes (Rept. 117–630). Referred to the House Calendar.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 1506. A bill to provide for the accurate reporting of fossil fuel extraction and emissions by entities with leases on public land, and for other purposes; with an amendment (Rept. 117–631, Pt. 1). Referred to the Committee of the Whole

Mr. GRIJALVA: Committee on Natural Resources. H.R. 1517. A bill to amend the Mineral Leasing Act to make certain adjustments to the fiscal terms for fossil fuel development and to make other reforms to improve returns to taxpayers for the development of Federal energy resources, and for other purposes; with an amendment (Rept. 117–632). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 2643. A bill to require the Bureau of Safety and Environmental Enforcement to further develop, finalize, and implement updated regulations for offshore oil and gas pipelines to address long-standing limitations regarding its ability to ensure active pipeline integrity and address safety and environmental risks associated with decommissioning, and for other purposes; with an amendment (Rept. 117–633). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 2794. A bill to provide for the protection of the Boundary Waters Canoe Area Wilderness and interconnected Federal lands and waters, including Voyageurs National Park, within the Rainy River Watershed in the State of Minnesota, and for other purposes; with an amendment (Rept. 117–634). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 3128. A bill to establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants, and for other purposes (Rept. 117–635). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 3326. A bill to promote the development of renewable energy on public lands, and for other purposes (Rept. 117–636, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 3670. A bill to improve access for outdoor recreation through the use of special recreation permits on Federal recreational lands and waters, and for other purposes; with an amendment (Rept. 117–637, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 3686. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account, and for other purposes; with an amendment (Rept. 117–638, Pt. 1). Ordered to be printed.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 6435. A bill to provide for the application of certain provisions of the Secure Rural Schools and Community Self-Determination Act of 2000 for fiscal year 2021 (Rept. 117–639, Pt. 1). Ordered to be printed.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 6936. A bill to provide for the issuance of a semipostal to benefit programs that combat invasive species (Rept. 117–640, Pt. 1). Ordered to be printed.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 6856. A bill to reduce the number of firearms at Transportation Security Administration passenger screening checkpoints by directing the Administrator to carry out a range of activities to inform the public about restrictions regarding the carrying of firearms in sterile areas of airports and to strengthen enforcement of such restrictions and for other purposes; with an amendment (Rept. 117–641). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIJALVA: Committee on Natural Resources. H.R. 8393. A bill to enable the people of Puerto Rico to choose a permanent, nonterritorial, fully self-governing political status for Puerto Rico and to provide for a transition to and the implementation of that permanent, nonterritorial, fully self-governing political status, and for other purposes; with an amendment (Rept. 117–642). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 1519. Resolution providing for consideration of the bill (H.R. 8393) to enable the people of Puerto Rico to choose a permanent, nonterritorial, fully self-governing political status for Puerto Rico and to provide for a transition to and the implementation of that permanent, nonterritorial, fully self-governing political status, and for other purposes (Rept. 117–643). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on the Budget discharged from further consideration. H.R. 6611 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Agriculture discharged from further consideration. H.R. 1503 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Agriculture discharged from further consideration. H.R. 1506 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Agriculture discharged from further consideration. H.R. 3326 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Agriculture discharged from further consideration. H.R. 3670 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. NORMAN (for himself, Mrs. LESKO, and Mr. DESJARLAIS):

H.R. 9524. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses and index the limitation to inflation; to the Committee on Ways and Means.

By Mr. ROY:

H.R. 9525. A bill Making continuing appropriations for fiscal year 2023, extending various health programs, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIM of California (for herself, Mr. HILL, and Mr. HUIZENGA):

H.R. 9526. A bill to amend the Securities Exchange Act of 1934 to require the Securities and Exchange Commission to periodically review final rules issued by the Commission, and for other purposes; to the Committee on Financial Services.

By Mr. STEIL (for himself, Mr. BARR, Mr. FERGUSON, Ms. STEFANIK, Mr. ROSE, Mr. DAVIDSON, Mr. AMODEI, Mr. BALDERSON, Mr. ARMSTRONG, Mr. WILLIAMS of Texas, Mr. HILL, Mr. FLOOD, Mr. LAMALFA, Mr. C. SCOTT FRANKLIN of Florida, Mr. GOODEN of Texas, Mr. RODNEY DAVIS of Illinois, Mr. FITZGERALD, and Mr. GIMENEZ):

H.R. 9527. A bill to amend the Securities Exchange Act of 1934 to require the registration of proxy advisory firms, and for other purposes; to the Committee on Financial Services.

By Mr. BACON:

H.R. 9528. A bill to amend title 37, United States Code, to increase the maximum amounts of certain bonus and special pay authorities for members of the uniformed services; to the Committee on Armed Services.

By Mr. BACON:

H.R. 9529. A bill to direct the Secretary of Defense to provide for standardized credentials for law enforcement officers of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. BACON:

H.R. 9530. A bill to authorize the Secretary of the Navy to convey the Marine Reserve Training Center in Omaha, Nebraska, and for other purposes; to the Committee on Armed Services.

By Mr. BACON:

H.R. 9531. A bill to amend title 10, United States Code, to authorize the unreimbursed use, by a foundation that supports a military service academy, of facilities or equipment of such military service academy; to the Committee on Armed Services.

By Mr. BACON:

H.R. 9532. A bill to direct the Secretary of Defense to establish a comprehensive initiative for brain health, and for other purposes; to the Committee on Armed Services.

By Mr. BACON:

H.R. 9533. A bill to require a report on cybersecurity roles and responsibilities of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. BEYER (for himself and Mr. NORCROSS):

H.R. 9534. A bill to promote space safety and provide for policy, planning, and agency roles and responsibilities for the transition to a civil space situational awareness capability of certain space situational awareness activities, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BIGGS (for himself, Mr. STEWART, Mr. NEWHOUSE, Mrs. BICE of Oklahoma, and Mr. GOSAR):

H.R. 9535. A bill to achieve domestic energy independence by empowering States to control the development and production of all forms of energy on all available Federal land; to the Committee on Natural Resources.

By Mr. BUTTERFIELD:

H.R. 9536. A bill to extend Federal recognition to the Haliwa-Saponi Indian Tribe of North Carolina, and for other purposes; to the Committee on Natural Resources.

By Mr. CAREY (for himself and Mr. LUCAS):

H.R. 9537. A bill to amend the Infrastructure Investment and Jobs Act to require reporting regarding clean energy demonstration projects, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. CASE (for himself and Mrs. RADEWAGEN):

H.R. 9538. A bill to amend the South Pacific Tuna Act (16 U.S.C. 973 et seq.); to the Committee on Natural Resources.

By Mr. CASTRO of Texas (for himself, Mrs. TORRES of California, Mr. SIRES, Mr. GRIJALVA, Ms. OMAR, Ms. BARRAGÁN, and Mr. ESPAILLAT):

H.R. 9539. A bill to require the development of an inter-agency strategy and the submission of certain reports relating to the illegal export and trafficking of firearms from the United States to recipients in Mexico and certain Central American and Caribbean countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CHABOT (for himself, Ms. SPEIER, Mrs. KIM of California, Mr. BERA, Mr. MEIJER, Ms. HOULAHAN, Mr. JOHNSON of Ohio, and Mr. KHANNA):

H.R. 9540. A bill to authorize assistance to support activities relating to the clearance of landmines, unexploded ordnance, and other explosive remnants of war in Cambodia, Laos, and Vietnam, and to recognize the refugee and immigrant communities who supported and defended the Armed Forces during the conflict in Southeast Asia, including Hmong, Cham, Cambodian, Iu-Mien, Khmu, Lao, Montagnard, and Vietnamese Americans, and for other purposes; to the Committee on Foreign Affairs.

By Ms. CHU (for herself and Mr. ARMSTRONG):

H.R. 9541. A bill to amend title 17, United States Code, to define and provide for accommodation and designation of technical measures to identify, protect, or manage copyrighted works, and for other purposes; to the Committee on the Judiciary.

By Mr. CROW (for himself and Mrs. MILLER-MEEKS):

H.R. 9542. A bill to amend the Higher Education Act of 1965 to ensure fairness in the award of in-state tuition at public institutions of higher education for members of qualifying Federal services changing duty locations and their spouses and dependent children, and for other purposes; to the Committee on Education and Labor.

By Mr. DONALDS:

H.R. 9543. A bill to amend title 41, United States Code, to prohibit the head of agencies from requiring the disclosure of greenhouse gas emissions and the implementation of greenhouse gas emission reduction targets by Federal contractors, and for other purposes; to the Committee on Oversight and Reform.

By Ms. ESHOO (for herself and Mrs. LESKO):

H.R. 9544. A bill to establish a pilot program to address technology-related abuse in domestic violence cases; to the Committee on the Judiciary.

By Mr. ESPAILLAT (for himself, Ms. CLARKE of New York, and Mr. HUFFMAN):

H.R. 9545. A bill to amend the Energy Policy and Conservation Act to reinstate the ban on the export of crude oil and natural gas produced in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LOIS FRANKEL of Florida (for herself, Ms. SALAZAR, and Mr. BURGESS):

H.R. 9546. A bill to identify and address barriers to coverage of remote physiologic devices under State Medicaid programs to improve maternal and child health outcomes for pregnant and postpartum women; to the Committee on Energy and Commerce.

By Mr. GALLAGHER (for himself, Mr. STEIL, Mr. POCAN, Mr. KIND, Ms. MOORE of Wisconsin, Mr. FITZGERALD, Mr. GROTHMAN, and Mr. TIFFANY):

H.R. 9547. A bill to designate the facility of the United States Postal Service located at 120 Doty Street in Kaukauna, Wisconsin, as the ''Sgt. Nickolas Mueller Post Office Building''; to the Committee on Oversight and Reform.

By Mr. GARAMENDI:

H.R. 9548. A bill to require the Commissioner of U.S. Customs and Border Protection to make certain determinations in enforcing the Jones Act, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOMEZ (for himself and Mr. DANNY K. DAVIS of Illinois):

H.R. 9549. A bill to support the ability of kinship caregivers to provide safety and stability for the children placed in their homes; to the Committee on Ways and Means.

By Mr. TONY GONZALES of Texas (for himself, Mrs. FLORES, Mr. CUELLAR, Mr. GOLDEN, Mr. FLEISCHMANN, and Ms. SLOTKIN):

H.R. 9550. A bill to establish a task force on the prevention of suicide by U.S. Customs and Border Protection personnel, and for other purposes; to the Committee on Homeland Security.

By Mr. HILL:

H.R. 9551. A bill to permit an issuer, when determining the market capitalization of the issuer for purposes of testing the significance of an acquisition or disposition, to include the value of all shares of the issuer; to the Committee on Financial Services.

By Ms. JAYAPAL:

H.R. 9552. A bill to amend the Animal Health Protection Act to increase transparency with respect to livestock and poultry depopulation, and for other purposes; to the Committee on Agriculture.

By Ms. JAYAPAL (for herself and Mr. MCCLINTOCK):

H.R. 9553. A bill to streamline the budget process at the Department of Defense; to the Committee on Armed Services.

By Mr. LAMALFA (for himself, Mrs. BOEBERT, Mr. MCCLINTOCK, Mr. ROUZER, Mrs. HARTZLER, Mr. MAST, Mr. JACKSON, Mr. BOST, Mr. SMITH of New Jersey, Mr. WEBER of Texas, and Mr. MOONEY):

H.R. 9554. A bill to prohibit the use of Federal funds to negotiate or contribute to international agreements that provide for ''loss and damage'' funds as a result of climate change; to the Committee on Foreign Affairs.

By Mr. LEVIN of California (for himself, Ms. BARRAGÁN, Ms. BONAMICI, Ms. BROWNLEY, Ms. CHU, Mr. ESPAILLAT, Mr. GRIJALVA, Mr. HUFFMAN, Ms. JAYAPAL, Mr. KHANNA, Mr. LIEU, Mr. LOWENTHAL, Ms. NORTON, Ms. PORTER, Mr. CASE, and Mr. DESAULNIER):

H.R. 9555. A bill to amend the Clean Air Act to create a national zero-emission vehicle standard, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCHENRY:

H.R. 9556. A bill to promote innovation in financial services, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROY (for himself, Mr. BISHOP of North Carolina, Mrs. WAGNER, Mr. GAETZ, Mr. GOSAR, Mr. SESSIONS, Mr. GOOD of Virginia, Mr. PALMER, Mr. BABIN, and Mr. BUDD):

H.R. 9557. A bill to prohibit the government of the District of Columbia from using Federal funds to allow individuals who are not citizens of the United States to vote in any election, and for other purposes; to the Committee on Oversight and Reform.

By Mr. SCHIFF (for himself, Mr. BOWMAN, Mrs. CHERFILUS-MCCORMICK, Mr. GRIJALVA, Mr. CARSON, Ms. NORTON, Mr. GOMEZ, and Ms. NEWMAN):

H.R. 9558. A bill to direct the Secretary of Education to forgive the Federal student loans of borrowers who are enrolled for benefits under part A of title XVIII of the Social Security Act, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHNEIDER (for himself, Mr. LAHOOD, Mr. PERLMUTTER, Mr. DUNN, and Ms. DEGETTE):

H.R. 9559. A bill to amend title XVIII of the Social Security Act to extend the pass-through period for certain devices; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Ms. KAPTUR, Ms. MCCOLLUM, and Mr. GRIJALVA):

H.R. 9560. A bill to amend the Export Control Reform Act of 2018 to provide for the control of and prohibition on the export of crude oil and finished oil products (other than natural gas) from the United States under that Act; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey:

H.R. 9561. A bill to require the President to remove the extension of certain privileges, exemptions, and immunities to the Hong Kong Economic and Trade Offices if Hong Kong no longer enjoys a high degree of autonomy from the People's Republic of China, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEIL:

H.R. 9562. A bill to lower the aggregate market value of voting and non-voting common equity necessary for an issuer to qualify as a well-known seasoned issuer; to the Committee on Financial Services.

By Mr. STEWART:

H.R. 9563. A bill to direct the Administrator of the Western Area Power Administration to provide its firm electric service customers with credits from shortfalls in generation from certain Bureau of Reclamation hydroelectric facilities, and for other purposes; to the Committee on Natural Resources.

By Mr. TAKANO (for himself, Ms. GARCIA of Texas, Mr. PAPPAS, Mr. JONES, Ms. PORTER, and Mr. EVANS):

H.R. 9564. A bill to establish the right of adults to engage in private, non-commercial, consensual sexual conduct in the exercise of their liberty; to the Committee on the Judiciary.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. FITZPATRICK, and Mr. DESAULNIER):

H.R. 9565. A bill to address the health of cancer survivors and unmet needs that survivors face through the entire continuum of care from diagnosis through active treatment and posttreatment, in order to improve survivorship, treatment, transition to recovery and beyond, quality of life and palliative care, and long-term health outcomes, including by developing a minimum standard of care for cancer survivorship, irrespective of the type of cancer, a survivor's background, or forthcoming survivorship needs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WILSON of Florida (for herself, Mr. BOWMAN, Mr. THOMPSON of Mississippi, Ms. ADAMS, Mr. TAKANO, Mr. EVANS, Mrs. CHERFILUS-MCCORMICK, Ms. DELAURO, and Ms. PRESSLEY):

H.R. 9566. A bill to provide grants to States to support State efforts to increase teacher salaries, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADY (for himself, Ms. DELBENE, Mr. SMITH of Nebraska, Mr. KELLY of Pennsylvania, Mr. BEYER, Mr. KIND, Mr. PANETTA, Ms. SEWELL, and Mr. LAHOOD):

H. Res. 1520. A resolution expressing the sense of the House of Representatives that the United States should reengage with trading partners, particularly like-minded Allies with market-based economies and high labor and environmental standards, to promote trade in environmental goods, services, and technologies in new or existing bilateral and plurilateral dialogues with a view to negotiating a new environmental goods agreement with updated product coverage to broaden United States export opportunities, support United States jobs, and enhance the environmental contribution of any new trade agreement; to the Committee on Ways and Means.

By Ms. BUSH (for herself, Ms. OMAR, Ms. SCHAKOWSKY, Mr. GARCÍA of Illinois, and Mr. BOWMAN):

H. Res. 1521. A resolution affirming the importance of the survival of Garífuna culture and identity, condemning the violent and illegal appropriation of Garífuna territory and calling on the Government of Honduras, the Department of State and multilateral development banks to fully comply with the resolutions of multilateral human rights bodies which mandate the return of Garífuna land rights, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself, Mr. CROW, Mr. NEGUSE, Mr. PERLMUTTER, Mr. CICILLINE, Mr. THOMPSON of California, Ms. KELLY of Illinois, Mrs. DINGELL, Ms. BARRAGÁN, Mr. PASCRELL, Mr. POCAN, Mr. LOWENTHAL, Ms. WASSERMAN SCHULTZ, Mr. SHERMAN, Mr. TORRES of New York, Mrs. MCBATH, Mr. EVANS, Mr. AUCHINCLOSS, Ms. WILSON of Florida, Mr. KEATING, Mr. QUIGLEY, Ms. MENG, Ms. STEVENS, Ms. JACOBS of California, Ms. TITUS, Ms. SCHAKOWSKY, Mr. SWALWELL, Ms. DELAURO, Mr. TAKANO, Ms. BONAMICI, Mr. COSTA, Mrs. WATSON COLEMAN, Mr. JONES, Ms. ESCOBAR, Mr. HIGGINS of New York, Ms. WILLIAMS of Georgia, Ms. CASTOR of Florida, Mr. LYNCH, Ms. STANSBURY, Mr. LANGEVIN, Mr. KRISHNAMOORTHI, Mr. CASTRO of Texas, Ms. MOORE of Wisconsin, Mr. MORELLE, Ms. NEWMAN, Ms. MCCOLLUM, Mr. LIEU, Ms. CRAIG, Mr. PALLONE, Mr. RASKIN, Mr. GOMEZ, Mr. SCHIFF, Mr. CARSON, Ms. DAVIDS of Kansas, Mr. WELCH, Ms. JACKSON LEE, Ms. SCANLON, Mr. LARSON of Connecticut, Mr. SEAN PATRICK MALONEY of New York, Ms. PORTER, Mr. PAPPAS, Ms. TLAIB, Ms. BLUNT ROCHESTER, Mr. CARBAJAL, Ms. ESHOO, Ms. VELÁZQUEZ, Mr. LARSEN of Washington, Mrs. TRAHAN, Ms. LEE of California, Mr. TONKO, Ms. BROWN of Ohio, Mr. SCHNEIDER, Mr. RUIZ, Mr. MCGOVERN, Ms. WEXTON, Mr. HUFFMAN, Mr. GOTTHEIMER, Mr. ESPAILLAT, Mr. BLUMENAUER, Mr. GRIJALVA, Mr. SOTO, Mr. GALLEGO, Ms. LEGER FERNANDEZ, Mr. PETERS, Mr. KHANNA, Ms. NORTON, Ms. JAYAPAL, Mr. NADLER, Mr. BEYER, Mr. NORCROSS, Mrs. LEE of Nevada, Mr. CORREA, Ms. DELBENE, Ms. LOIS FRANKEL of Florida, Mr. CÁRDENAS, Mr. CARTWRIGHT, Mr. DESAULNIER, Mr. CONNOLLY, Mr. YARMUTH, Ms. CLARKE of New York, Mr. CASTEN, Ms. SÁNCHEZ, Ms. WILD, Mr. SIRES, Mrs. CAROLYN B. MALONEY of New York, Mr. GREEN of Texas, Ms. KUSTER, Mr. SARBANES, Mr. TRONE, Mrs. TORRES of California, Mr. CLEAVER, Mr. DANNY K. DAVIS of Illinois, Mr. SCOTT of Virginia, Mr. VARGAS, Mr. KILMER, and Mr. MCNERNEY):

H. Res. 1522. A resolution condemning the horrific attack on November 19, 2022, at Club Q, honoring the memories of those who were murdered, and offering support to all who were impacted; to the Committee on Oversight and Reform.

By Mr. DONALDS:

H. Res. 1523. A resolution amending the Rules of the House of Representatives to require the chair of a committee or subcommittee to recognize members at a meeting of the committee or subcommittee in the order in which they seek recognition; to the Committee on Rules.

By Mr. KUSTOFF:

H. Res. 1524. A resolution supporting the designation of December 17, 2022, as ''National Wreaths Across America Day''; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. NORMAN:

H.R. 9524.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

By Mr. ROY:

H.R. 9525.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the United States Constitution—to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof.

By Mrs. KIM of California:

H.R. 9526.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: To regulate commerce with states, other nations, and Native American tribes.

Article 1, Section 8, Clause 18: Authority to create laws that are necessary and proper to carry out the laws of the land. (Necessary and Proper Clause)

By Mr. STEIL:

H.R. 9527.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution: ''To regulate commerce with foreign nations, and among the several states, and with the Indian tribes''

By Mr. BACON:

H.R. 9528.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 14: The Congress shall have Power to . . . . To make Rules for the Government and Regulation of the land and naval Forces.''

By Mr. BACON:

H.R. 9529.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 14: The Congress shall have Power to . . . . To make Rules for the Government and Regulation of the land and naval Forces.''

By Mr. BACON:

H.R. 9530.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 14: The Congress shall have Power to . . . . To make Rules for the Government and Regulation of the land and naval Forces.''

By Mr. BACON:

H.R. 9531.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 14: The Congress shall have Power to . . . . To make Rules for the Government and Regulation of the land and naval Forces.''

By Mr. BACON:

H.R. 9532.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8, Clause 14: The Congress shall have Power to . . . . To make Rules for the Government and Regulation of the land and naval Forces.''

By Mr. BACON:

H.R. 9533.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 14: The Congress shall have Power to . . . . To make Rules for the Government and Regulation of the land and naval Forces.''

By Mr. BEYER:

H.R. 9534.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval force, as enumerated in Article I, Section 8, Clause 15 of the United States Constitution.

By Mr. BIGGS:

H.R. 9535.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. BUTTERFIELD:

H.R. 9536.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 of the Constitution, Congress has the power to collect taxes and expend funds to provide for the general welfare of the United States. Congress may also make laws that are necessary and proper for carrying into execution their powers enumerated under Article I.

By Mr. CAREY:

H.R. 9537.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article I, Section 8, Clause 18:

''The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. CASE:

H.R. 9538.

Congress has the power to enact this legislation pursuant of the following:

Article 1, Section 8 of the Constitution

By Mr. CASTRO of Texas:

H.R. 9539.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution

By Mr. CHABOT:

H.R. 9540.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. CHU:

H.R. 9541.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8, Article 1 of the Constitution

By Mr. CROW:

H.R. 9542.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of Article I of the Constitution.

By Mr. DONALDS:

H.R. 9543.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, Sec. 8

By Ms. ESHOO:

H.R. 9544.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. ESPAILLAT:

H.R. 9545.

Congress has the power to enact this legislation pursuant to the following:

Section 5 of Amendment XIV of the U.S. Constitution.

By Ms. LOIS FRANKEL of Florida:

H.R. 9546.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. GALLAGHER:

H.R. 9547.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. GARAMENDI:

H.R. 9548.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article IV, Section 3, Clause 2 of the the U.S. Constitution

By Mr. GOMEZ:

H.R. 9549.

Congress has the power to enact this legislation pursue following:

Article 1, Section 8, Clause 18

By Mr. TONY GONZALES of Texas:

H.R. 9550.

Congress has the power to enact this legislation pursuant to the following:

Section 1. Article 8. To make Rules for the Government and Regulation of the land and naval Forces

By Mr. HILL:

H.R. 9551.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution

By Ms. JAYAPAL:

H.R. 9552.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. JAYAPAL:

H.R. 9553.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LAMALFA:

H.R. 9554.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3

By Mr. LEVIN of California:

H.R. 9555.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. MCHENRY:

H.R. 9556.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3:

To regulate commerce with states, other nations, and Native American tribes.

Article 1, Section 8, Clause 18:

Authority to create laws that are necessary and proper to carry out the laws of the land (Necessary and Proper Clause)

By Mr. ROY:

H.R. 9557.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the United States Constitution—to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof.

By Mr. SCHIFF:

H.R. 9558.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. SCHNEIDER:

H.R. 9559.

Congress has the power to enact this legislation pursuant to the following:

Aricle I, Section 8

By Mr. SHERMAN:

H.R. 9560.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution

By Mr. SMITH of New Jersey:

H.R. 9561.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the US Constitution

By Mr. STEIL:

H.R. 9562.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3:

To regulate commerce with states, other nations, and Native American tribes.

Article 1, Section 8, Clause 18:

Authority to create laws that are necessary and proper to carry out the laws of the land (Necessary and Proper Clause)

By Mr. STEWART:

H.R. 9563.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. TAKANO:

H.R. 9564.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. WASSERMAN SCHULTZ:

H.R. 9565.

Congress has the power to enact this legislation pursuant to the following:

US Constitution, Article 1 Section 8

By Ms. WILSON of Florida:

H.R. 9566.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 151: Ms. MENG.

H.R. 2050: Mr. RESCHENTHALER.

H.R. 2085: Mr. LEVIN of California.

H.R. 2124: Mr. OBERNOLTE.

H.R. 2252: Mr. KIND, Mr. STEWART, and Ms. GARCIA of Texas.

H.R. 2454: Mr. GUEST.

H.R. 2573: Ms. KUSTER, Mr. MOORE of Utah, and Mr. LONG.

H.R. 2811: Mr. MRVAN.

H.R. 3044: Mr. PANETTA.
H.R. 3109: Mr. VAN DREW.
H.R. 3183: Mr. GREEN of Texas.
H.R. 3259: Ms. LOIS FRANKEL of Florida.
H.R. 3355: Mr. JOHNSON of Georgia.
H.R. 3498: Mr. PANETTA.
H.R. 3857: Mr. LEVIN of California.
H.R. 4011: Ms. BONAMICI.
H.R. 4100: Mr. LEVIN of California.
H.R. 4311: Mr. SCHIFF.
H.R. 4402: Mr. THOMPSON of Mississippi.
H.R. 4769: Ms. MANNING.
H.R. 4811: Ms. JACOBS of California.
H.R. 4823: Mr. SEMPOLINSKI.
H.R. 5232: Mr. FOSTER.
H.R. 5414: Mr. AUCHINCLOSS.
H.R. 5444: Ms. Barragán.
H.R. 5483: Ms. MANNING.
H.R. 5606: Ms. Sánchez.
H.R. 5828: Ms. TLAIB.
H.R. 5905: Mr. BOWMAN.
H.R. 5975: Mr. CLINE.
H.R. 6050: Mr. LEVIN of California.
H.R. 6100: Mr. CARTWRIGHT, Ms. MENG, Mr. VALADAO, Ms. SCANLON, Mr. TAKANO, and Mr. GARCÍA of Illinois.
H.R. 6252: Mr. GARCÍA of Illinois.
H.R. 6461: Mr. PHILLIPS, Ms. KUSTER, Mr. CARTER of Louisiana, and Mr. GOMEZ.
H.R. 6532: Ms. BUSH.
H.R. 6583: Mr. SCHIFF.
H.R. 6636: Mr. LIEU.
H.R. 7193: Mrs. BOEBERT.
H.R. 8323: Mr. SCHIFF.
H.R. 8365: Ms. NORTON, Mr. COHEN, Mr. PHILLIPS, Mr. SUOZZI, Ms. JAYAPAL, Mr. BLUMENAUER, Mr. PAPPAS, and Mr. LEVIN of Michigan.
H.R. 8433: Mr. TORRES of New York.
H.R. 8452: Ms. MOORE of Wisconsin.
H.R. 8532: Ms. MENG, Ms. KUSTER, and Mr. LEVIN of California.
H.R. 8581: Mr. CLEAVER.
H.R. 8716: Ms. TITUS.
H.R. 8756: Mr. SEMPOLINSKI.
H.R. 8906: Ms. DAVIDS of Kansas and Ms. MANNING.
H.R. 8948: Mr. GRIJALVA.
H.R. 8954: Mr. LAMALFA, Mrs. PELTOLA, and Mr. CASE.
H.R. 9049: Mr. LEVIN of California, Mr. MORELLE, Ms. LOFGREN, and Mr. DESAULNIER.
H.R. 9148: Mr. DONALDS.
H.R. 9162: Mr. BILIRAKIS.
H.R. 9208: Mrs. CHERFILUS-MCCORMICK and Mrs. WATSON COLEMAN.
H.R. 9309: Mr. NEGUSE and Mr. BLUMENAUER.
H.R. 9362: Ms. NORTON, Ms. TLAIB, and Ms. JAYAPAL.
H.R. 9449: Mrs. AXNE, Mr. EVANS, and Ms. DAVIDS of Kansas.
H.R. 9483: Mr. RUTHERFORD.
H.R. 9501: Ms. BONAMICI and Mr. FITZPATRICK.
H.R. 9503: Ms. PRESSLEY, Ms. LEE of California, and Mr. GRIJALVA.
H.J. Res. 102: Mr. ALLEN and Mr. SMUCKER.
H. Res. 366: Mr. LEVIN of California.
H. Res. 959: Mr. LAMBORN.
H. Res. 1317: Ms. BUSH, Ms. BARRAGÁN, and Mr. SWALWELL.